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ABSTRACT

The three main themes of this conference--jail standards and their effects, services which the local jail should provide, and sources of help (particularly federal funds) for local administrators--are discussed. A section on setting standards includes a debate on mandatory national standards for local jails, and addresses issues such as relations between the courts and the jail, civil liability of elected and appointed officials, prisoner rights and responsibilities, and pretrial confinement. A section on providing services covers the following topics: juvenile justice, services jails should provide, intake and diagnostic programs, programs for incarcerated women, educational and vocational training, delivering services in the rural jail, health and medical care, community release programs, employment programs, and diversion of juveniles from jail. The section on developing solutions discusses where to look for solutions, improving jail management, issues in architecture, standards, strategies for upgrading the rural jail, state subsidy, elected officials and jail reform, planning techniques for change, and alternatives to incarceration. Finally, the federal role in jail reform is presented, particularly in terms of financial and technical assistance. (Author/JLL)

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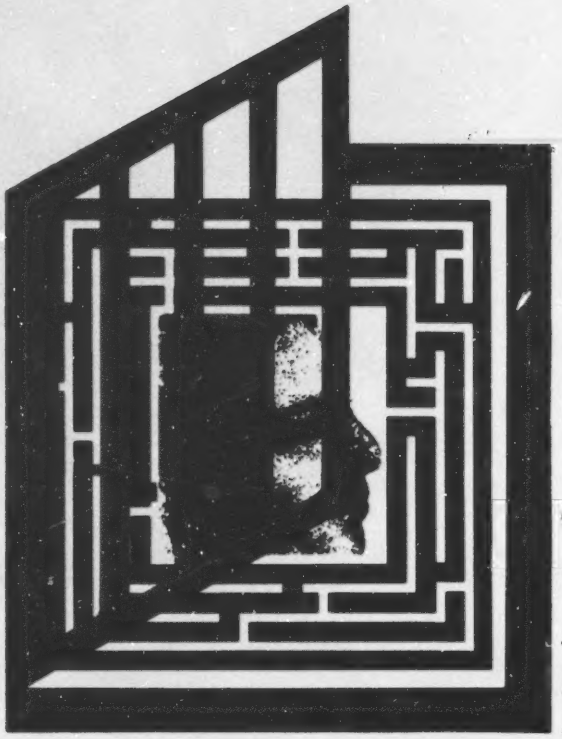

The American Jail in Transition

Proceedings of the Second National Assembly on the Jail Crisis

Minneapolis, Minnesota
May 17-20, 1978

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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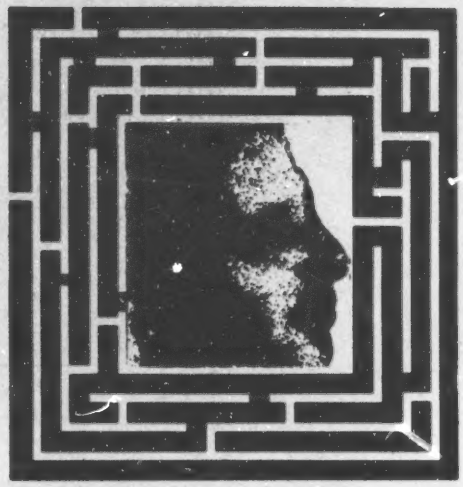

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May 17-20, 1978

Edited by Joan Amico and Roderick O'Connor

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Dedication

With the death of Hans Mattick, the nation lost not only a noted criminologist but also an unabashed humanitarian. He was the director of the Center for Research in Criminal Justice at the University of Illinois at Chicago Circle. Before that, he headed the Chicago Youth Development Project and for three years was assistant warden of the Cook County Jail. A lecturer and author of numerous books and articles, Mattick was recognized as the leading authority on the jail in America.

As an editorial in the Chicago *Daily News* observed: "Hans Mattick was a big, burly bear of a man with a gravelly voice and a heart huge enough to care for all the cripples of our complicated society—people who suffered from crime and people who committed crime; kids tortured and abused by their parents and parents so tortured that they abused their kids. He cared and he fought with limitless energy and optimism. At least he made us think it was limitless."

We hope that the ideals of Hans Mattick will be preserved and grow. It is in that hope that the Second National Assembly on the Jail Crisis is dedicated to his memory.

Cooperating Organizations

American Bar Association, Commission on Correctional Facilities and Services
American Civil Liberties Union
American Correctional Association
American Institute of Architects
American Justice Institute/Center for Correctional Economics
American Medical Association
American Public Health Association
Association of State Correctional Administrators
Committee for Public Justice
Council of State Governments
Fortune Society
International City Management Association
John Howard Association
National Association of Blacks in Criminal Justice
National Association of Criminal Justice Planning Directors
National Center for State Courts
National Conference of State Criminal Justice Planning Administrators
National Conference of State Legislators
National Council on Crime and Delinquency
National District Attorneys Association
National Governors Association
National Jail Association
National Jail Managers Association
National League of Cities
National Legal Aid and Defender Association
National Moratorium on Prison Construction
National Sheriffs Association
National Urban League
Offender Aid and Restoration of the United States
Pretrial Services Resource Center
United States Conference of Mayors

Resource Agencies

Law Enforcement Assistance Administration
National Institute of Corrections
National Clearinghouse for Criminal Justice Planning and Architecture

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Foreword

The Second National Assembly on the Jail Crisis was in many respects a continuation of the Jail Assembly held in Kansas City in May 1977, although each conference took a slightly different approach to one of America's greatest challenges—reform of local correctional programs, services, and facilities.

At Kansas City the emphasis was on "front end" reforms—decriminalization, intake services, diversion and the use of community correctional programs as a more humane and effective alternative to confinement.

At Minneapolis these earlier approaches, aimed at reducing inappropriate confinement in our nation's jails, were renewed and reemphasized, but greater attention was given to institutional concerns, such as educational and vocational training, medical care, work release, recreation, furloughs and other programs designed to promote intelligent care for those who are confined. At both conferences the subject of cooperation among all levels of government and the development of new partnerships between the public and private sectors was central. Minnesota's Community Corrections Act of 1973 provided an outstanding example of a creative alliance between state and county government to develop comprehensive community-based programs. To Minnesota's credit, three other states within the last year—Oregon, Kansas and California—have developed partnership programs based substantially on the Minnesota experience.

The first National Assembly on the Jail Crisis brought many national organizations together for the first time. Each group discovered how little it knew of the efforts of the others and how great was the need for collective action.

Largely as a result of the first assembly, a four-day meeting was held at the Wingspread conference center in Racine, Wisconsin in February 1978 to consider formation of a National Coalition for Jail Reform. Prospects for the coalition appear promising. By the time of the Minneapolis conference more than 30 national organizations had reached basic agreement on a statement of mission. Once officially formed, the coalition will represent the first broad scale alliance in the criminal justice field. At long last, cooperation among organizations is being approached systematically rather than as a series of separate and discrete actions. The problems of the jail, after all, are the problems of the community. No single organization or constituency can bring about the necessary reforms but together we have a fighting chance.

These proceedings are intended to assist you in the process of reform at the local level. I am sure you will find this summary an important tool in your efforts.

The National Association of Counties Research Foundation is grateful to the Law Enforcement Assistance Administration for its support of the assembly and of the proceedings.

—Bernard F. Hillenbrand
Executive Director
National Association of Counties
Research Foundation

The American Jail in Transition

America's 4,000 local jails receive approximately 5 million persons every year. Such facilities house those awaiting trial and those sentenced for misdemeanors or lesser felonies. They have become institutions of last resort, warehouses of human failure, for many—alcoholics, the mentally ill or retarded—for whom society has found no other place.

During the last decade, the nation's courts have abandoned their reluctance to intervene in the administration of jail operations and have launched a broad scale effort to define the rights of prisoners. They have ordered changes in services, changes in administrative procedures, even changes in the physical plant.

Local elected and appointed officials, pressured by the need to conform to court orders, by fixed costs which escalate rapidly and absorb money which might go for new programs, by public demands for safety first and reform second, and by the desire to do what is right, often feel frustrated at their inability to bring about change. The Second National Assembly on the Jail Crisis was called to examine these problems.

Because Minnesota's Community Corrections Act is recognized as a landmark in corrections reform, that state was chosen as the site for the meeting. Sponsored by the National Association of Counties Research Foundation and Hennepin County, the assembly gave participants an opportunity to examine alternatives to incarceration and to learn from the experiences of both county and state with community-based corrections and diversion techniques.

Jail standards and their effects, services which the local jail should provide, and sources of help—particularly federal funds—for local administrators were the three main themes of the second assembly.

At the First National Assembly on the Jail Crisis, discussion centered on improving the corrections aspect of America's criminal justice system through two possible routes. One was partnerships forged among federal, state and local governments. The other was the diversion of individuals into community programs, making the local jail the disposition of last resort.

At that time, participants agreed that decriminalization, pretrial diversion and community-based corrections were the preferred means of relieving overcrowded jails, that the state must be involved in setting standards for local jails and in providing subsidies to help local governments meet these standards, and that national legislation should also provide funds for construction and improvement of those local jails for which no alternative exists.

The responsibility felt by local officials toward those who must remain in those jails was evident at the second assembly. All agreed that jails must not only provide security for inmates, staff, and public, but they must provide this security in a humane atmosphere, with the least possible restraint, and with the maximum effort at rehabilitation.

The costs of imposing higher standards on local jails was of major concern throughout the conference. In addition to the basic questions of what level of government should set the standards and whether they should be voluntary or mandatory, workshops dealt with the liability which local officials incur when standards are not met, with the increased role of the courts in interpreting and imposing standards, and the rights of pretrial detainees and sentenced prisoners. Participants were concerned both with physical standards and with standards of treatment and services.

In discussing the kinds of services jails provide—or should provide—the importance of intake and diagnostic programs was stressed, and their value for classification and diversion. Speakers agreed that the special problems of incarcerated women have been overlooked and called attention to the need for diversion of juveniles, especially status offenders. There was consensus that medical care should be on a par with that in the surrounding community, that education and training for employment should center on jobs which are really available on the outside, and that community release is important as a means of integrating the offender back into the community.

To help the local jail administrator find solutions to the jail crisis, panels dealt with jail management, jail planning, development of standards, and architectural innovations. But the greatest need, participants agreed, is for funding.

They emphasized their belief that federal legislation should provide funding for a national crisis which must be handled at the local level.

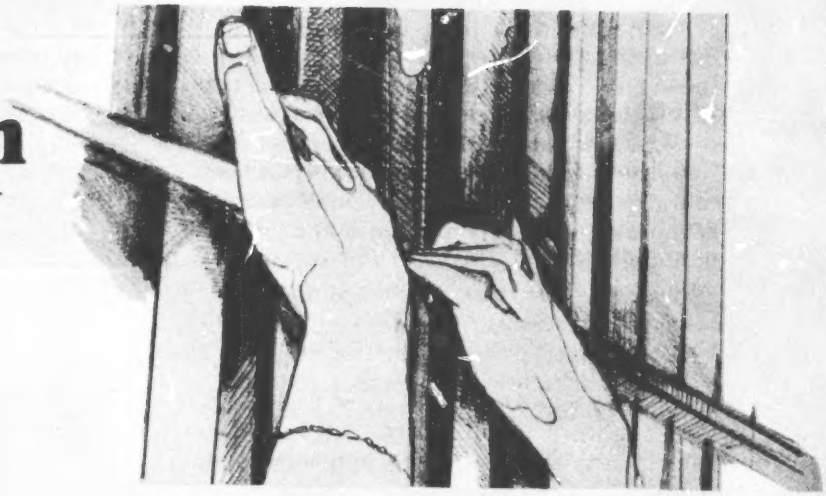
They agreed that the newly formed National Coalition for Jail Reform is a first step in banding together to make their voices heard across the country. In the meantime, they were becoming more aware of the possibility of help at the state level, as witnessed by the interest in developing intergovernmental partnerships like Minnesota's Community Corrections Act.

Several spoke to the need of building a local constituency alive to the problems of the local jail, in the hope that elected officials may be persuaded to allocate more tax funds or that other local sources of funding can be developed.

By talking out their common problems and comparing tentative solutions, elected and appointed county officials, sheriffs, and jail administrators are taking the first steps toward ending the national disgrace which our local jails have become. These proceedings are offered in the hope that they will stimulate reform at all levels of government and that those who have the power to change the situation—legislators, judges, citizens, federal administrators—will be stirred to action.

When "corrections" becomes one part of a total criminal justice system and when that system is treated as one way of meeting the total service needs of the community, it will be easier to see what the real problems are. More flexible solutions can then be developed outside of the rigid lines of corrections policy, using the whole gamut of community resources and experience.

Facing the Problem



Speakers at the opening general session emphasized the need for humane treatment for those confined to correctional institutions and the lead taken by the state of Minnesota both in providing such treatment and in developing alternatives to incarceration as exemplified by Minnesota's Community Corrections Act.

John E. Derus, chairman of the Hennepin County Board, invited those attending the jail assembly to visit the county's corrections facilities as well as the new county government center. "We think we have a terrific story to tell here in Hennepin County," he said. "That isn't to say we don't have our problems, but we think many of our programs are meeting our citizens' needs."

He described several imaginative ways in which Hennepin County has dealt with its jail problems. The newly remodeled Hennepin County Adult Detention Center, he said, is unique in that it was built on the fourth and fifth floors of the existing City-County Courthouse.

He added that the county had recently taken over the workhouse facility formerly run by the city of Minneapolis and used mainly to house those arrested for drunkenness or drunken driving. Now, as the Adult Corrections Facility, it receives offenders sentenced for various crimes for up to one year. Hennepin County volunteered to take over this facility because of the many county support services which could be provided to the inmates.

He mentioned juvenile prostitution as another critical problem in the county. "You have probably heard of the Minnesota pipeline," he said, "with youngsters from here being led into prostitution in New York City, Los Angeles and other large cities. Just yesterday, our county board voted on a measure to establish a 'safe-house' for young girls who are trying to get out of prostitution. ... They can't go home because many are victims of child abuse, and a safe-house would give them some kind of alternative."

John Derus

WELCOMING THE participants on behalf of NACo's executive director Bernard F. Hillenbrand, Phil Elfstrom, chairman of NACo's Criminal Justice and Public Safety Steering Committee and board chairman, Kane County, Ill., called this year's assembly the complement to the National Assembly on the Jail Crisis held a year ago in Kansas City.

Last year's assembly, he recalled, emphasized that many of the wrong people are in jail across the country—mentally ill people, alcoholics, children, and status offenders, for example. The focus was on laying a broad, theoretical framework of corrections reform for the local level, specifically relating to intergovernmental partnerships to achieve decriminalization, individual assessment and diversion.

Elfstrom said this year's conference was designed to develop specific techniques to put these broad goals into effect and to deal with institutional concerns that affect the well-being of those who must remain incarcerated.

The assembly was dedicated this year, he said, to the late Hans Mattick, a nationally known criminologist, former director of the University of Illinois Center for Research in Criminal Justice, and former assistant warden of the Cook County (Ill.) Jail. Mattick was co-author of the classic study, *Illinois Jails: Challenge and Opportunity of the 1970s.*

Elfstrom urged the audience to carry on Mattick's work. He quoted Mattick as having said, shortly after the conclusion of the Illinois study, "... I really was hoping that a few more saving graces could be found among the ways we treat offender-victims or victim-offenders. They are for the most part young, and the young, after all, are our only real national treasure, for they represent the future. Even those who have offended against us are part of that future."

Elfstrom commended the state of Minnesota for being "at the forefront of corrections reform." Its example, he said, had spurred both Oregon and Kansas to adopt legislation patterned after Minnesota's 1973 Community Corrections Act.

Elfstrom, who chairs a new Illinois State Legislature subcommittee to study criminal justice problems of counties, expressed hope that Illinois will be the next state to improve its partnership with county governments.

This partnership is essential, Elfstrom stressed, to developing effective community-based correctional programs. "The time has come for state governments to follow the lead of Minnesota, Oregon, Kansas, Iowa and several other states in creatively investing in local corrections."

Recent efforts have been made, Elfstrom said, in organizing a National Coalition for Jail Reform. The coalition grew out of last year's assembly in Kansas City and has evolved as a result of a meeting at the Johnson Foundation's Wingspread Conference Center in March 1978. It met for the second time on the day before the assembly opened and essentially agreed on a mission statement. More than 30 organizations are participating, he said, in this effort to create a national movement for jail reform.

The cause for past delay in this area, he added, is the "inability to translate facts and recommendations into action." Elfstrom therefore urged the conference participants to consult with one another, form strategies for reform and then return to their counties for action.

Philip Elfstrom

MINNESOTA GOV. Rudy Perpich had prepared a keynote address which expressed the fear that "the real crisis may be that we have not been sufficiently rigorous in extending equal justice and equal protection to all our citizens. ... My hope is that this conference will focus its attention very seriously as to why, in state after state, a major part of our correctional institution population is now coming from the uneducated, the disenfranchised, the poor and our racial minorities."

The governor was unable to attend because of a death in his family and his remarks were delivered by Ken Schoen, Minnesota's commissioner of corrections.

Gov. Perpich pointed to the fact that the Second National Assembly on the Jail Crisis was being held in his state as a most reassuring appraisal of what Minnesota is trying to do. It is significant, he said, that, in contrast to many states, Minnesota's jail population has not been escalating. Although state officials recognize, he said, that their first responsibility at all times must be to protect the public, they have given a great deal of thought to who should be incarcerated—and when and where. A stay in the state institution can cost $7,000 to $10,000 a year in addition to the initial cost for bed space and there is added loss in tax revenue from that inmate plus welfare costs for the family. Therefore, he observed, in addition to the social costs involved, from an economic point of view, we cannot afford to lock up people who don't need to be incarcerated.

Ken Schoen

In an effort to meet the jail crisis, Perpich urged that "guidelines for equal justice, public safety and fiscal responsibility" must be established through cooperation among the system's key personnel—police and sheriffs, prosecutors and defenders, judges, local and state corrections officials, concerned citizens and releasing authorities. This is the approach that is working in Minnesota.

"We feel," he said, "that our use of a voluntary system of community corrections is helping to make our criminal justice system fairer, more sensitive, and responsive to the needs of all of our citizens." He mentioned that some of the alternatives now in use are community day programs, community work programs, school programs for juveniles, work release programs and, of course, local secure facilities.

He emphasized the cooperative aspects of Minnesota's system. For those counties which elect to participate, the state requires only that local planning and local decision making conform to state standards, including those of program evaluation and training of staff. He noted that a recent study of local jail facilities by the Minnesota Crime Control Planning Board had found many facilities old and unusable without the infusion of large sums of money. State and federal authorities will be called on for help in this situation, he predicted.

Minnesota has also established a new commission of criminal justice professionals and citizens to develop sentencing guidelines for use by district court judges. These guidelines will deal with length of stay and appropriate community sanctions for the non-dangerous offender.

Gov. Perpich described new programs being developed in his state to aid victims of crime. These programs were especially singled out, he added, when Minnesota in December 1977 received the first "Scales of Justice" award ever presented to a state by the National Council on Crime and Delinquency.

Two crime victim crisis centers have been opened in high crime districts of Minneapolis and St. Paul as well as a number of restitution programs and programs for battered spouses and victims of sexual assault. Minnesota has found, he said, that when good programs are established to aid crime victims, it greatly reduces the need for vengeance as a prime reason for incarcerating criminals.

"My hope," he said, "is that you will emerge from this conference with renewed commitment and some fresh workable answers that will be helpful in lessening the jail crisis in your individual states."

REMARKS BY REP. JOHN J. CONYERS, JR.

To eliminate crime, this nation must undergo a thorough economic reorganization that ceases to waste human resources, Rep. John J. Conyers, Jr. (D-Mich.) told the assembly.

Conyers, chairman of the House subcommittee on crime, outlined some of the conditions which he feels underlie the rising crime rate in this country and offered some new approaches to the problem.

"The question is not how to reduce the crime rate in our society," he said, "but how we reorder our system so that crime is not a built-in product. Crime is not primarily caused by criminals; it is the aggregate of desperation brought on by joblessness, poverty and community disintegration."

"I'm continually appalled," he added, "at criminologists who are saying that we've tried rehabilitation and it doesn't work, so we might as well separate out those with felonious intent and throw away the key while we're at it."

He said there is no proof that stricter law enforcement has any effect on the crime rate. The cost of crime fighting has jumped from $4.2 billion to $22 billion since 1965, he said, but the fear of crime is as great as ever. He admitted that the crime rate has dropped some, but he said that it was too early for congratulations.

The crime which concerns people most, he said, is "economic street crime" which will never be reduced until we get the economy straightened out. He emphasized the effect of unemployment on crime and on society in general. "When people in a

Rep. John Conyers, Jr.

community become starved of their jobs, then the public institutions and the social services that are even more desperately needed disappear at an alarming rate. Unless you involve the community in the crime-fighting process, you may as well hang it up," he said.

White collar crime and the concomitant political corruption have an escalating effect on street crime, he said. When white collar crime takes a toll of $44 billion a year as opposed to a $4 billion price tag for street crime, and when the Justice Department lacks personnel to even prepare cases against the multinational corporations, the man in the street is bound to feel, "They're doing it; why shouldn't I?"

"The corporate concentration of power and influence on the decision-making process of this country cannot escape the attention of this assembly if we are to deal with the causes of the problems of jails in America," he said.

Another spur to street crime as a means of achieving equality is the medium of television, he claimed. The constant presentation of an idealized lifestyle as the norm makes poor people feel even more deficient and dissatisfied, and many turn to crime to obtain what they see to be necessities.

Efforts to produce full employment would go a long way to make street crime unnecessary, he suggested. "It's not exactly a grand scheme," he said, "but it's certainly one we've never tried." But instead of trying this method, he indicated that Congress is allocating resources in other directions. As an example, he said, the defense budget has recently been increased by $10 billion to develop nuclear and chemical warfare weapons.

He reported that Congress is currently considering other subjects that tie in to the problem of crime. These include gun control; the revision of the federal criminal statutes proposed in S. 1437, which, he said, could wreck the present law enforcement system, and the ex-offenders' program under the Comprehensive Employment and Training Act, where millions of dollars haven't been touched because local governments have not been made aware that they are available.

Conyers said he still believes in the phenomenon of hope and in a democratic process which works from the bottom up. After all, commissioners and congressmen react to what the people want. The American people, including those gathered at the jail crisis assembly, have the power to force Congress to act and to improve the criminal justice system, he concluded.

Ken Schoen, left, Minnesota commissioner of corrections, receives a distinguished service award for the state's community corrections program from Jim Shipman, executive director, Association of Minnesota Counties, and Charlotte Williams, NACo first vice president.

Setting Standards

SHOULD THERE BE MANDATORY NATIONAL STANDARDS FOR LOCAL JAILS?

Should national jail standards be mandated? A general debate provided opposing views on this topic and focused thinking on the kinds of problems to be dealt with in Wednesday's panel discussions. Standards and their implementation underlie rising concern with such problems as court-ordered improvements to jail facilities and services, civil liability of local officials and the rights of prisoners.

Advocating national standards was David Fogel, professor of criminal justice, University of Illinois, whose remarks were delivered by Dr. Richard McCleary, assistant professor of criminal justice and sociology, University of Illinois. Joan Lipsky, Iowa state representative, took the view that standards should be developed by states and local governments which operate the jails.

Fogel called for a legislative mandate which provides direction and resources for modernization of the jails. "It takes a flight of fanciful imagination or studied indifference for responsible observers to believe that what has eluded us for two centuries—namely, minimal standards for humane conditions of confinement—will now respond to voluntary standards," he said, adding, "Putting the fox in charge of the chickens has never been attempted with great confidence."

With regard to the newly published *Manual of Standards for Adult Detention Facilities* of the Commission on Accreditation for Corrections, American Correctional Association, he said that they are so laudable that, in fact, they provide a "cop out" for local officials. This is because of the monetary impact of putting such standards into effect in each local jail. He feared, therefore, that without "risk takers of good will," voluntary standards would come to nothing until they were used by the courts as a basis to assess current practices and conditions.

"These so-called voluntary standards will in fact become mandatory when we see them played back to us, not in a neatly bound booklet but in a binding federal court order. ... We are shifting future control of the jails away from correctional administrators ... to federal judges who know much less but must act more quickly."

To avoid this, he said, the courts must see legislation which shows a national commitment to jail improvement and a master plan with dates certain and adequate resources before the current judicial activism will ebb. "In my experience, the master plans, lacking judicial or statutory authority, inevitably fade away."

Dr. Richard McCleary

Rep. Joan Lipsky

LIPSKY'S PRINCIPAL objection to national standards is that they tend to focus on bricks and mortar and not on human programs and needs. "The emphasis," she said, "shifts to placing community resources in buildings and equipment. If the emphasis is placed on meeting national standards, there will be little time for alternatives to the jail—diversion programs, development of pretrial release, intensive efforts at counseling, work release programs, community corrections, halfway houses, expanded probation services or a myriad of choices that have been tried in recent years."

She also expressed her concern that many states may feel that "meeting standards" is synonymous with doing a good job and that "national uniformity will be national mediocrity." The momentum developed in many states toward innovative and alternative programs, adapted to their own localities, may be slowed. "There is no reason to believe," she said, "that states and the people in them are less concerned with the development of appropriate standards than the people they elect and send to Washington."

With regard to financial assistance, Lipsky felt that those who would impose national standards must be prepared to provide the necessary money to implement them. To date, she said, the federal government has not participated in financial aid to jails in any significant fashion.

This concern was echoed by Rosemary Ahmann, commissioner, Olmsted County, Minn., who said it will be left up to county officials to sort out the standards. "We cannot depend on property taxes to renovate jails to meet present standards. Will we have to build new jails to meet new standards?" While she recognized the need for standards, Ahmann said, they should be developed by state and local governments.

Rosemary Ahmann

MC CLEARY REPLIED that the monetary impact of mandatory standards could easily be lessened. "When these standards are implemented," he said, "they will apply to jails of different sizes in different ways. Small jails will not be expected to meet the same standards as large jails, so wise county officials will act now to make their jails as 'small' as possible."

This means, he emphasized, that local jail authorities will have added incentive to develop diversion programs and to see that dangerous felons are given speedy trials and transferred to state institutions.

He differed with the view that local authorities know what is best for the local situation and will act on that knowledge. The standards relating to prisoner diet and medical care, he said, are based on absolute standards developed by experts in these fields. "In every case, these standards reflect the minimal conditions for the health and well-being of the human organism. No local official could or would argue that 'his/her prisoners' do not require this same standard level."

Deputy Director of the Commission on Accreditation for Corrections, Dale Sechrest, reported that the recommended standards had been developed in consultation with people in the field.

He said it would be interesting to see who implements these standards, whether states, local governments or the federal government, but, regardless of how they will be implemented, the process has started, and he mentioned that the first set of accreditations had been issued for halfway houses.

Sechrest added that if judges do make the standards mandatory and if the result is that concerned groups join in a coalition to apply

these standards and tell the judges and others what they think needs to be done. It's about time that this took place.

Speaking to the fact that standards for programs were not set out in the recommendations, he said the commission wanted to give local jail administrators the scope to develop programs to suit their own needs. There was no intention, Sechrest said, of playing down diversion programs.

THE COURTS AND THE JAIL

Moderator: Robert W. Johnson, County Attorney, Anoka County, Minnesota

That corrections officials should look on judges as friends, not adversaries, was the theme running through the workshop on courts and the jail.

Courts across the nation are making a decisive contribution to the problem of overpopulation, noted Carl V. Mason, corrections administrator, Multnomah County, Ore. That does not mean, he emphasized, that the answer to overcrowding is to release inmates indiscriminately. However, alternatives to incarceration should be examined, especially for pretrial detainees who fill 60 percent of the jails in the United States.

For example, Mason said, his own county is too conservative in not allowing more detainees to be released on their own recognizance, a fact highlighted by a 1.5 percent skip rate compared with the average of 6 to 8 percent.

Overcrowding has also been aggravated by legislation that mandates further investigation before a sentence is passed. In Oregon, Mason noted, the new law has meant increased caseloads without additional staffing and delays between disposition and adjudication.

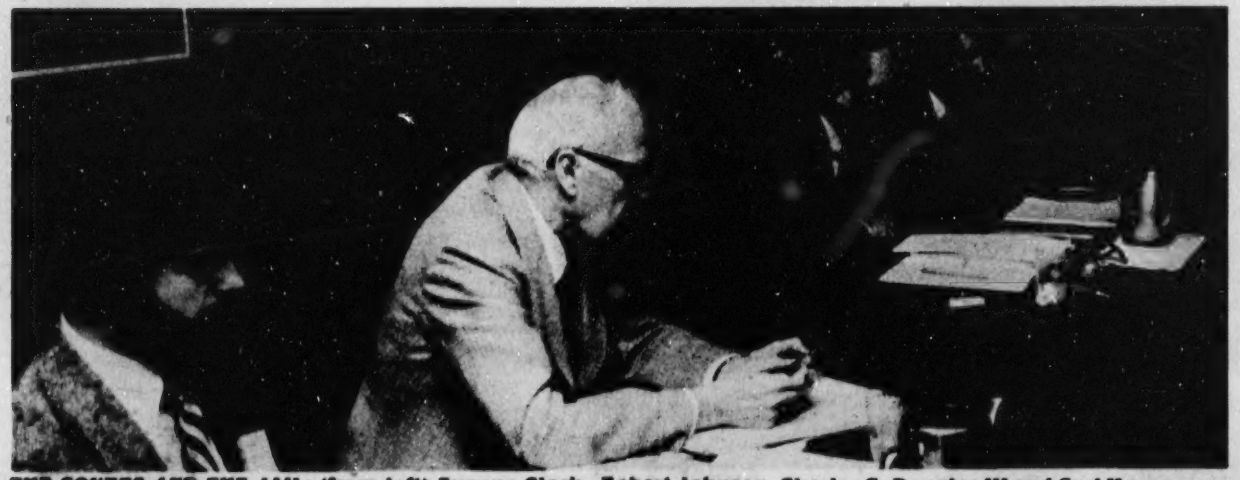
Mason said the courts should be the "conscience of the system" when dealing with people in jail. "We must remember the constitutional parameter that one is presumed innocent until proven guilty because the vast majority of those in jails are awaiting adjudication," he said.

To facilitate improvement, Mason also recommended a justice council to "provide a good forum for each component of the justice system to meet and share concerns; a body like Multnomah County's Department of Justice Services which coordinates the local justice system and handles budget matters, and an attitude among both corrections officials and judges to "look outward and become systems-oriented."

CHARLES G. DOUGLAS, III, associate justice, New Hampshire Supreme Court, speaking from a judge's vantage point, offered practical examples of New Hampshire's system of corrections-court cooperation. The court's Incarceration Facilities Committee is an ongoing body of three general jurisdiction judges, appointed by the chief justice of the Superior Court, to visit each facility, analyze conditions and issue a written report. At the same time, other trial judges are voluntarily visiting facilities. They go unannounced in order to check out what happens on a normal day.

What results from these encounters is not antagonism but cooperation, according to Douglas. He said a judge's suggestions are often promptly implemented by the jailer voluntarily. For example, one jail was allowing only one-hour visitation privileges on Sundays and, at Douglas's suggestion, extensively expanded the privileges.

A second outgrowth of this court supervision is the introduction of legislation to improve facilities. Douglas cited an instance where pretrial detainees were not allowed to participate in a work program



THE COURTS AND THE JAIL: (from left) Eugene Clark, Robert Johnson, Charles G. Douglas III and Carl Mason

because of statutory restriction. After finding the law to be counterproductive and arbitrary, Douglas pushed for its elimination.

A third benefit is the increased understanding that judges acquire from visiting facilities. Sentencing orders can then be structured according to what each specific facility has to offer rather than being arbitrary orders for nonexistent programs.

Douglas suggested that corrections officials should invite judges to tour their facilities and discuss necessary funding, legislation and other concerns. He also said that jailers should consult with the judge as to what a facility needs to be in compliance with state standards. Most changes, he added, can be made within the existing budget, including those which deal with prisoner complaints like visitation rights and privacy.

Responding to a question about judges who are opposed to reform, Douglas said that the best recourse was to speak with a judge in a higher court about applying peer pressure.

GENE CLARK, program assistant for the Criminal Justice Planning Division of LEAA, explained LEAA's new program designed to deal with jail overcrowding and pretrial detainees. The program is warranted, he said, because more than 400 jails in the nation are under court order to reduce their population, 60 to 80 percent of whom are pretrial detainees.

Goals of the program, he said, are to reduce jail overcrowding and jail costs, reduce pretrial detainee custody time, increase alternatives to arrest and incarceration in appropriate cases, establish active judicial concern for jail population levels and improve jail management.

He described the program's Phase One—planning and analysis—as offering 20 jurisdictions Part E grants of $20,000 to assess their problems and develop solutions. Solutions could include better jail population reporting procedures, better jail management strategy, improved jail intake procedures, a custody referee program and authorization for early defense counsel assignments. An LEAA program coordinator aids the jurisdiction in forming plans.

Under Phase II—program implementation—five to seven jurisdictions will receive grants of between $20,000 and $50,000 to put such strategies into action, said Clark.

Some of the ways they might do this, he suggested, would be to implement court rules and policies with respect to pretrial release criteria and early appointment of defense counsel, expand alternatives to jail in cooperation with community agencies, develop improved jail management and oversight procedures, establish a central intake unit, improve coordination among the criminal justice system components, and keep close tabs on jail population levels and the movement of offenders through the criminal justice system.

CIVIL LIABILITY OF ELECTED AND APPOINTED OFFICIALS

Moderator: William E. Ready, Vice President, National Association of County Civil Attorneys; Attorney for the Board, Lauderdale County, Mississippi

Moderator William E. Ready set the tone for the discussion when he said, "The days of county immunity and hiding behind government are gone."

Melvin Axilbund, staff director, Commission on Correctional Facilities and Services, American Bar Association, provided background on the doctrine of sovereign immunity which has traditionally protected government officials but said the doctrine is no longer an impervious shield.

Under U.S. Code, Title 42, section 1983, any person who "under color of statute, ordinance, custom or usage of any state or territory" deprives another of "any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

Axilbund said that when an official is sued, official immunity is an affirmative defense that must be pled and proven by the defendant. The criteria for this defense are first, that the action was a government function; second, that the action was a discretionary action, not a ministerial action (for example, granting parole is a discretionary action, while failing to free a prisoner at the end of his term is a ministerial action); third, that the action was in good faith, meaning the person sincerely and reasonably believed the action was constitutional.

Axilbund added that one of the major problems today is the evolving law on prisoners' rights since, he said, "There is great uncertainty as to what the Constitution provides and demands."

Axilbund discussed the possibility of passage of an amendment to section 1983 which would allow injured people to seek recovery from the state, municipality or any agency of the state or municipality as well as from the official.

"Enactment of this measure would be a momentous step," Axilbund said, "since most states already make provision for defending their

PRISONER RIGHTS AND RESPONSIBILITIES: (from left) Bernard Becker, Margaret Fisher, Hubert Price, Steven Ney

officers and employees when they are sued and for indemnifying them in the relatively few cases when money damages are found." Axilbund said that the positive impact of such a change on the morale of the official on the line makes the change at least worth examining.

(Since the assembly, the Supreme Court has handed down a decision holding that cities are not absolutely immune under section 1983 of the Civil Rights Act of 1871 for the actions of their employees, a decision which is expected to be applied also to counties and school boards.)

JAMES WEBB, legal counsel for the Association of County Commissions of Alabama, presented his experience in representing the counties of Alabama in civil liability suits, explaining the possible defenses in cases involving jail administration.

Webb cautioned against depending on two of these defenses. First, since section 1983 is addressed to a person, there is the defense that a county is not a person. However, Webb noted, in some cases counties have still been left as defendants in suits.

Second, with regard to the defense of legislative immunity, the Supreme Court has ruled in one case that, although the court may not force an appropriation from the legislative branch, it may direct the use of an appropriation already made to correct an unconstitutional condition.

Webb said the only defense that has been held valid is good faith. He said that to avoid trouble, "money must be spent." It is a question, he said, of "paying now or later." Jails should be upgraded and good faith should be established by such means as petitioning to have a jail closed when standards cannot be met.

Beth Wood, corrections director of the Indiana Lawyers Commission, offered some suggestions for preventing civil liability suits. She asked, "Why wait until you're sued?"

The usual suggestion, Wood said, is to build new jails. However, the resources for doing so are rarely available. She said that an alternative considered in Indiana is consolidation of jails. This means sharing both facilities and services. The idea has met with some resistance, Wood said, because of transportation costs and loss of control over the jail by the counties giving up their facilities.

Wood also suggested that officials get their problems on the agendas of the county associations. She echoed the advice of all the panelists, saying, "Hire a good lawyer."

PRISONER RIGHTS AND RESPONSIBILITIES

Moderator: Hubert Price, Commissioner, Oakland County, Michigan

Emphasizing that his remarks were addressed primarily to the rights of pretrial detainees, Steven Ney, staff attorney with the National Prison Project of the American Civil Liberties Union, first addressed some general principles underlying court decisions concerned with prisoner rights.

Detainees, he emphasized, are presumed innocent and cannot be punished beyond the restraint necessary to secure their appearance for trial unless there is some compelling necessity. They must have freedom of movement, meaning large secure areas rather than cells. The right to privacy and security includes the right to be kept locked in if a prisoner requests it. Daily outdoor exercise is a requirement. Reasonable medical care includes direct access to trained medical personnel, emergency care and care of preexisting conditions unless they can safely be left untreated until the inmate is released. Basically, Ney said, a prisoner is entitled to reasonable medical care such as is available to the outside community. Access to the community is vital, including contact visits.

The right to contact visits, that is, visits without physical barriers between inmate and visitor, was the subject of some discussion. The problems for jail administrators in allowing such visits and the possibility of passing contraband, including drugs, was brought out. Ney pointed out that the right of a prisoner to such visits must be weighed against the administrative problems. Reasonable precautions are not ruled out, he said. With reasonable cause, there can be searches both of visitor and prisoner before and after such visits, but the visitor has the right to refuse to submit and to leave without the visit's taking place. "Frisking" of every visitor would be permissible, but not a "body search" without definite suspicion of wrongdoing. Ney added that "contact visits" do not imply "conjugal visits."

Protection from assault is another basic right, he said, and this is tied in with a classification system which provides the "least custody" possible for every category of prisoner and segregates male from female, juvenile from adult, detainees from sentenced prisoners, the mentally ill and those with drinking or drug addiction. A classification program, by doing away with closed cell blocks for every prisoner, makes it necessary, said Ney, to work out other methods of protection from assault but such protection is felt by the courts to be so much a responsibility of the jail supervisors that monetary damages have been assessed against officials who have failed to protect prisoners from such abuse. Moreover, when states have issued standards for jails, jail administrators have been held liable for enforcing them and protecting the 8th and 14th amendment rights of prisoners.

In answer to questions from the audience, Ney admitted that these decisions represented trends only and that many of them issued from lower courts and therefore did not carry equal weight in all parts of the country. However, he said, counties should be aware of such decisions and could then bring themselves into conformity with them before being faced with a lawsuit.

MARGARET FISHER, assistant director for corrections, National Street Law Institute, spoke about the prisoner's right to counsel and the greater difficulties faced by those arrested and held without bail as opposed to those free on bond. She pointed out that those locked up are more likely to be convicted and finally jailed than those who are not.

She said that access to courts, as defined by court decisions, may mean access to an attorney or to a law library. It is difficult, however, to prove that a lawyer has not performed adequately and that "access" has not been adequate. "Jailhouse lawyers" are not considered an adequate substitute by the courts.

The right of a prisoner to an attorney at a disciplinary hearing within the jail has been denied by the Supreme Court, she said, unless the prisoner is illiterate, faced with a very complex situation, or is mentally unable to defend himself.

However, court decisions have, Fisher said, upheld a "limited" right to privacy. Body searches, searches of cells and a limit on conversations with other prisoners cannot be imposed arbitrarily. One decision upheld the protest of prisoners faced with the presence of jail personnel of the opposite sex in areas where prisoners were undressing.

In answer to concerns from the jail personnel at the panel session, Bernard Becker, professor of law at William Mitchell College of Law in St. Paul, spoke to the issue of classification and the problem of classifying a prisoner on the basis of his present charge without taking into consideration past history, present attitude and behavior. This is a problem with pretrial detainees because of lack of information, he said, and even if all incoming prisoners were quarantined, there would still be a mix in that separate population. Basically, said Becker, jail administrators must use their judgment, provide maximum freedom until their judgment is proved wrong and not worry about being sued.

With regard to access of prisoners to the media, Becker said that the members of the media must be treated like other visitors and thus access is assured unless some special circumstance makes for difficulty.

The consensus of the speakers was that guidelines which protect the rights of prisoners will not hamper jail administrators and exceptions can be made when circumstances warrant. Such

guidelines will meet standards set by court decisions better than an application of arbitrary rules.

PRETRIAL CONFINEMENT ISSUES

Moderator: Madeleine Crohn, Director, Pretrial Resources Services Center, Washington, D.C.

Eliminating the bail system was suggested by Laurence Benner, director of defender services, National Legal Aid and Defender Association. He said such a system assumes that the arrestee is guilty and is predicting that he will commit another crime if released. "The bond system is, at best, arbitrary, if not capricious," he said.

He said that whereas bail money should only be used to ensure appearance of the defendant in court, the system has been abused, creating an open faucet effect in which there is no shut-off valve. And this places a tremendous burden on sheriffs, jail administrators and the taxpayers who have to foot the bill.

He called the system unfair, especially to the poor, citing studies that report that one-third to one-half of the jail population are pretrial detainees. They're in jail, he said, because they couldn't raise the normal bail. Moreover, in many cases the judge set the bond excessively high because he thought the defendant was dangerous to society or because of a public outcry against this particular crime.

If the bail system is eliminated, he asked, what system will we use? "Psychiatrists are saying they cannot determine if the arrested person should be released because there are too many variables. Parole boards cannot do it. Then how can a judge do it? A judge has no training, no standard and is not a psychologist."

He said that there is no substantial risk of a pretrial detainee out on bail committing another crime. He noted studies from various cities that show only 5 to 13 percent of pretrial detainees commit a felony and are rearrested.

He expressed the opinion that the risk of pretrial crime is not worth the unfairness the system has placed on the poor and on people who will eventually be found innocent.

GARY FLAKNE, county attorney, Hennepin County, Minn., a member of the board of directors of the National District Attorneys Association, cited programs that his county is using to cut down on pretrial detainees.

The Hennepin County system, he explained, brings those arrested to a pretrial hearing within 36 hours to set bond. At this hearing the judicial officer examines all available evidence to determine whether the accused should be held on bond or released on his own recognizance. He said a large number were released but only if it was believed they were not a threat to public safety.

Certain standards have been set up to determine if a person should be released, he said. Such things as the person's employment, family and standing in the community are taken into consideration but are not the determining factors in all cases. Flakne added that while excessive bail is unconstitutional, the fact that an individual cannot meet his bail does not mean the bail is necessarily excessive.

Pretrial detainees have certain rights that fall under the presumption of innocence statute in our criminal justice system, he said. They must be given ample opportunity to prepare their defense and be allowed regular communication and contact with the outside world. In Hennepin County, he added, the accused is usually brought to trial within 85 days.

Jail populations usually decrease when certain jail standards are met, Frederick Moyer, president of Moyer Associates, told the audience. He said money used to improve jail facilities is therefore often better spent than the money used for diversion programs. Also, he said, many jail administrators are finding that if they build jails without meeting certain recommended standards, they later find them inefficient, inoperable and unsafe. This is why many county and city jails are now being faced with lawsuits from inmates.

Providing Services

Thursday's plenary session was geared to helping jail administrators decide what services their facilities can or should provide. More detailed panel discussions followed, stressing some programs necessary to all jail inmates and some which focus on the needs of special populations. The unique needs of juveniles were also stressed in two luncheon speeches.

JUVENILE JUSTICE

Alternative programs are cheaper and more cost-effective than putting juveniles in jails, according to Josephine Gittler, chief counsel, Senate Judiciary subcommittee on juvenile justice. She outlined some of the subcommittee's findings on the detention and deinstitutionalization of juveniles, especially status offenders who have not committed a criminal offense—the runaway, the truant, the juvenile who has defied parents and school authorities.

"We are increasingly finding that jailing young people is counterproductive and, if anything, tends to reinforce criminal tendencies rather than ameliorate them," she said.

We don't know how many juveniles are placed in adult jails, said Gittler, but a Department of Justice study conducted in 1970 found 7,800 juveniles in 4,037 jails on a given day. This does not include juveniles in state and federal facilities and police lockups, she added.

Jailing juveniles is a problem, Gittler emphasized, because of documented reports of physical abuse, rape and suicide. "It's also known that children that are placed in adult jails suffer serious detrimental legal, social and economic consequences," she said.

Many states are passing laws to prohibit jailing juveniles, she reported. Twenty-one states have laws that strictly prohibit jailing status offenders and a majority of states have legislation requiring that juveniles in an adult jail must be kept separate from adult prisoners. Another positive force is the federal Juvenile Delinquency and Prevention Act which provides funds to states to improve their juvenile justice systems.

Josephine Gittler

There has been substantial progress in getting juveniles out of adult jails, she said, but there is still a long way to go. The key is to divert them to other programs. She noted a variety of alternatives to jail: shelter homes, runaway centers, group homes, emergency foster care, and home detention programs, and "it's amazing how well they work," she said.

She cited an LEAA study which found the success rate for these programs to be as high as 97.6 percent to 87.6 percent, the percentage of

children who never ran away or committed another crime. The key to success of these alternative programs, she claimed, is a high degree of community involvement and support.

Qittler challenged the audience to take the campaign for alternative programs to the public. "You, in your positions, can do a lot to stimulate the community involvement and support that's needed to create these alternatives. Sheriffs and jail administrators should make it known to the public that there is a need for these alternatives. Go to the community to raise money to get these programs off the ground," she urged.

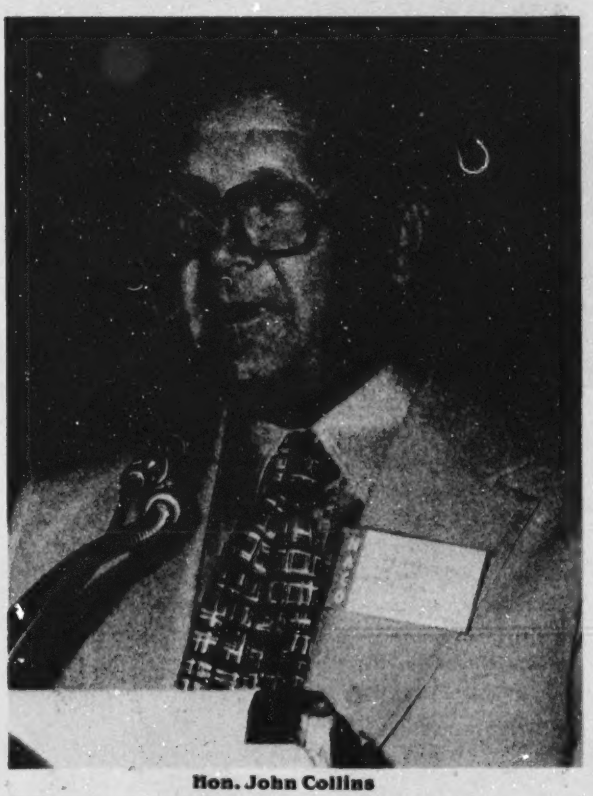
CALLING OUR juvenile justice system immoral, inhuman, illogical, illegal and unconstitutional, John Collins, juvenile judge, Pima County, Ariz., challenged the U.S. Supreme Court and Congress to do something about it.

He said that it is time that children were treated as persons and not as if they were owned by their parents or by the state; they deserve equal protection under the law. He also said Congress should take charge and ensure that no person is deprived of liberty in a place of incarceration except for the commission of a crime and only after being afforded full rights of due process should the offender be detained as protection for society.

"With the stroke of the pen by one of these government bodies," he said, "we could end, in law and in conscience, the Spanish inquisition type of practice of locking up each year thousands of children who have not been duly prosecuted and convicted and may not even have committed a crime. At the same time, such an action could end an even more insidious fraud being perpetuated and practiced around the country of locking up children in private prisons, depriving them of basic human rights, and especially First Amendment rights."

He said that the worst offenders in creating the crisis that we face today are the judges. "Judges are the ones who lock up children inappropriately in adult jails, juvenile detention centers, locked private institutions, training schools, rehabilitation schools, reform schools—although they seldom reform or are expected to." The next worst offenders are law enforcement officials, school officials, mental health specialists, respected professionals and, not least of all, parents. Society tends to victimize children by the way we treat or fail to treat them and by our own practices we are "handtooling each year more replacement adult criminals," he said.

"We are rapidly becoming a nation of criminals,



Hon. John Collins

making a nation of legally incapacitated convicted felons of so many dysfunctional children and adults who must be provided for by others or by the state. And where do we put our money? In rehabilitation, in places of incarceration, in giant police forces, in monolithic courthouses and judges and judges' staff to the point where it now costs New York $55,000 a year to keep a child in detention, $42,000 in Pennsylvania, $30,000 plus in California, and $25,000 in Arizona."

Judge Collins urged that money, energy and knowledge be diverted to where the problem is—to the community and into preadolescent training and instruction. We should encourage a resurgence in family discipline, responsibility and respect, tell public schools to instill moral behavior, encourage church life, and support private sector agencies (Boy and Girl Scouts, YMCAs and YWCAs) with programs for children in our communities.

Judge Collins also said that his community has become actively involved in keeping children out of the juvenile courts. He said they received $2 million from the federal government and used it for shelter care programs, two truancy programs, emergency foster home programs, mental health family counseling and other services.

"Our community truly owns its juvenile court," he said, "and I think that's the way it should be."

WHAT SERVICES SHOULD THE JAIL PROVIDE?

Moderator: Barbara Hill, Commissioner, Grafton County, New Hampshire; NACo Chairwoman for Juvenile Justice

Many members of the public believe that services should not be provided in the jails, said Moderator Barbara Hill, "but if we, the administrators, believe there should be services, we must let the public know why." Services, she said, should be cost-effective and ensure that inmates will have changed when they return to society.

Dr. Robin Ford, correctional specialist, National Institute of Corrections Jail Center, said a general definition of jail-related services and programs would include anything that occurs in or affects the residents of that facility, over which the management of that facility has control. This includes food services, recreation, education, vocational training and social services. Even a lack of programs constitutes a program.

He outlined three steps that jail administrators should follow in examining service provisions in the jail.

First, he said, there must be a meeting with the sheriff, jail administrators, representatives of the community and county commissioners to decide on a mission statement or statement of philosophy for the facility. "Ask why the jail exists. Does it exist to deter crime? To protect the community? To assure appearance at trial for those not yet adjudicated? To rehabilitate offenders who serve sentences?"

After the purpose of the jail has been determined, Dr. Ford said, administrators should meet with directors of community service agencies to find out if they can make their services available in the jail. They should help in the planning, he said, but it also must be made clear to them that their role will not end there. If they agree that a service should be provided, then they must help in providing it.

The third step should be to set guidelines for deciding what services should be provided in the jail, he said. Any service must first meet the test of enhancing or improving security in the jail. It must meet the test of making the environment of the jail more suitable and humane for inmates and staff and must provide opportunity for change for any jail resident who takes advantage of it.

He said that administrators will run into two obstacles in meeting service needs. First is the traditional belief that if education or a program is offered, everyone will use it and like it. "You can't assume that," he said. "Traditional educational activities have failed to meet most inmates' needs. You can't offer them the same package."

Another obstacle to overcome is a possible split between security staff and treatment staff. To avoid this, he recommended that the most important security staff should be included in all planning meetings to work out ways of combining service provision with the necessary security.

MAJOR JOHN CASE, field director, Pennsylvania Prison Society, said that before determining what services a facility should provide, administrators should determine "who your troops are. Who the officers are. Determine what programs you would like to provide and ask yourself whether you can provide them within the physical constraints of your facility. Or if you're going to build a new institution, include facilities for new programs that you want to initiate."

He said there are two keys to providing services. First, determining who is going to run the institution or department, and second, what kind of change is wanted and how it can best be accomplished.

"You should look into your community to see what services are available," he said. "Existing community agencies have a responsibility to help you provide those services."

Major Case related some of his experiences as a warden and said that a warden has to work with seven pressure groups: inmates, officers and unions, judges, county commissioners, citizens, news media, and the family.

In response to a question, Major Case said that administrators can change inmates' attitudes by instilling an attitude of pride and self-respect, by establishing an atmosphere that is conducive to treatment, and by making them feel worthwhile and important.

Another question addressed the problem of how to improve the attitude of corrections officers. Major Case said that the image of the guard has to be changed, for himself and within the community. "Convince them that they're not in the jail to learn to become a cop, that there's a career within the jail and that they're cellblock psychologists." He also suggested offering awards for officer of the year and publicizing personal accomplishments of guards.

Dr. Ford added that corrections officers should be paid fairly and that training programs also help improve the quality of work.

INTAKE AND DIAGNOSTIC PROGRAMS: ASSESSING NEEDS

Moderator: Leo Plante, Chairman, Board of Directors, National Jail Managers Association; Superintendent, McLean County (Ill.) Jail

The concept of intake centers and diagnostic programs for jails gained prominence five years ago, according to Moderator Leo Plante. The three panelists discussed their experiences in this new area of corrections.

Betty Becker, volunteer coordinator for the Kane County (Ill.) Diagnostic Center, administered by Illinois Court Services, 16th Judicial Circuit, described the center's role in local corrections.

The staff of psychologists becomes involved with those in jail only after being invited by the jail administrator, she said. Usually, that happens when a judge, prosecutor, probation officer or public defender refers an inmate for psychological evaluation or when the offender himself requests counseling. Less frequently, she added, jail personnel will ask for help when an inmate experiences a crisis of aggression, hallucinations or severe depression.

The center also provides a training program for corrections officers, she said, to help them spot psychological problems and undertakes intake evaluation to identify those individuals who can be released on their own recognizance.

Becker said the center is anticipating a role in presentence investigation in the near future.

Jail personnel are becoming more receptive to psychologists who come in and work with their patients, Becker found, but one of their prime concerns is the problem of confidentiality. In response to an administrator in the audience who commented that he was wary of having psychologists interview inmates because they would not share information, she said, "There's a fine line between keeping a person's confidence and giving out information for the well-being and safekeeping of the individual." Becker said her staff will alert jail personnel to basic problems such as suicidal tendencies or homosexuality without passing on personal details about the individual.

Becker said that often an inmate will ask for services, such as help in finding a job. For that reason, the Diagnostic Center is firmly committed to coordinating services that already exist in the community. She strongly recommended that jails have a program director to coordinate available outside services and to get inmates involved. She suggested that natural points of contact are the Jaycees, Rotary, League of Women Voters and church groups.

"The assumption one must make is that the community should be involved in the jails," she said. "We can't afford the luxury of being isolationists."

STEPHEN SWIGART is director of a private program operating in the Milwaukee County Jail in cooperation with the sheriff's department. Treatment Alternatives to Street Crime (TASC) interviews all consenting individuals who remain in jail for more than 48 hours in order to identify those who have a drug, alcohol, or mental health problem. The goal is to place them in a community-based program. Approximately 10 clients are interviewed daily about the existence and history of a problem, he said. Concerns like bail, access to an attorney, court dates, etc. are also handled and only 5 percent refuse to be interviewed.

Swigart emphasized that the interview is important to create a level of confidence. Although he believes confidentiality should be observed, he strives to convince clients of the need to release personal information for their own benefit. He said women are mostly used as interviewers because they are generally more effective in eliciting information.

There are several benefits for the jail in this screening process, including the immediate detection of medical problems and the reduction of tension for a detainee when questions about the judicial process are answered.

The second step in TASC's program is follow-up. This is essential, he said, because without it the first interview has no purpose. The second interview goes into depth about employment and marital and educational history and seeks to substantiate any drug, alcohol, or mental health history. Verification of the information is sought through personal sources or past medical records. The profile of the client is then presented to the court with a recommendation for treatment. Swigart said the Milwaukee courts are receptive to TASC's recommendations.

The need for jails to separate pretrial detainees from already sentenced inmates was stressed by Richard Sherman, contractual services administrator, Hennepin County, Minn. He said that often elected officials and administrators lose sight of the fact that pretrial defendants should be removed from custody as soon as possible, either through release or by trial.

Since in-depth evaluation and comprehensive services are already available for long-term prisoners, there is a temptation, he said, to keep detainees in custody. With a properly trained diagnostic staff, an intake unit could, in one interview, answer questions about the defendant's eligibility for release and develop a profile of services which might be needed in the future.

The interview should concentrate, Sherman said, on possible release from custody on recognizance, reduction of bail, eligibility for diversion services, and referral for primary problems such as alcoholism or psychiatric difficulties. The client's eligibility for programs like public defender services could also be determined at this time.

By eliciting this kind of information, the intake unit acts as a "broker" and, once the decision to release is made, the information can accompany the individual to the appropriate agency which will help the defendant in the eventual disposition of the case. For those retained in custody, the same information can help the jail staff assign the defendant within the facility and help the staff and court personnel in the inmate's processing through the criminal justice system.

"If the primary emphasis of administrators and decision makers is to create a jail for the pretrial detention purpose and not for a custodial purpose, all of the above could be done on approximately 90 percent of prisoners within a two-hour period," Sherman concluded. He added that the more detainees who can be referred to other agencies, the fewer services will need to be duplicated within the jail.

PROGRAMS FOR INCARCERATED WOMEN

Moderator: Nancie Crabb, Councilwoman, Duval County, Florida; NACo Chairwoman for Courts

Speakers at a workshop on problems, needs and services relating to the female offender agreed that women are the forgotten inmates in our county jails. They comprise only 5 to 10 percent of the total population at this time, although the percentage of females increased three times faster than that of males during the years from 1960 to 1972, according to Mary Smith, director of the Women Offenders Service Bureau of the Lucas County (Ohio) Sheriff's Department. Pamela Jo Davis, director of the Dade County (Fla.) Women's Detention Center, added that the women under 18, convicted of robbery, have increased 647 percent from 1960 to 1975, twice the rate for young men.

Smith pointed out that the increased number of females in jail was not a direct result of "women's lib," in the sense that more women were encouraged to commit crimes, but a byproduct of the way judges and law enforcement officers have reacted to the women's movement. They are less reluctant to jail women now. Improved facilities and programs for women have also had this effect, she said. When jails were less attractive, more women ended up on probation or were never actually booked.

Moreover, equality of opportunity for women as embodied in Title IX regulations has opened educational opportunities for incarcerated women where their small numbers might otherwise have inhibited programs for reasons of economy.

Speakers and audience all agreed that awareness of women's special problems as inmates and pressure for solutions must come from the community, not necessarily from women's groups alone.

For example, Smith described the Women Offenders Service Bureau, now an integral part of the sheriff's department, as the result of a year's study by a panel of nine prominent citizens appointed by a female judge and widely publicized in the media. In Dade County, said Davis, the new Women's Detention Center was an offshoot of pressure by an influential commission on the status of women appointed by the mayor (male).

Some of the special problems faced by female inmates are administrative according to Smith, the result of a lack of supervisory personnel, inadequate facilities, and a reluctance to mix men and women in available activities. There is a high cost per unit when personnel and dollars are allocated to any minority group. As a consequence, women sit idle. Other problems come from a lack of sensitivity on the part of administrators to the peculiar problems of women and the unsuitability of traditional jail programs.

The typical woman inmate is under 30, poor, a member of a minority group, lacking education and training, and without employment. She usually has multiple problems. Her special health needs include prenatal care or the choice of abortion. She may be a single mother with the need for child care facilities and special visitation arrangements which this entails. Her primary need, said Smith, is for "equal access in a parity situation to available services." For example, the typical work release program is not geared to women who have no jobs to return to. She was able, she said, to obtain "work release" for women for education and training.

SMITH DESCRIBED the Women Offenders Service Bureau as "an LEAA-funded state demonstration project of the Lucas County Sheriff's Department which provides a community link and referral service to any female in the judicial system who voluntarily requests assistance." The caseload includes women released from state institutions. Since these contacts are also voluntary, she said, mutual contracts are negotiated with each woman.

Smith offered pointers to other jurisdictions interested in such a program. The women will participate more actively if they have some say in choosing the subjects for education or training. Programs should not be limited to "traditional" women's roles like cooking and sewing (although these are sometimes requested) since most jail inmates will have to go out into the work force. Money management and parenting are valuable courses, as well as group discussions to build up self-esteem and self-reliance. Many of these women, she said, especially those involved in prostitution offenses, have a lifetime of dependency behavior behind them.

Be prepared to change programs often, she advised, as the population changes and let each session be self-contained since a 10-week course is of no value to a woman confined for only 30 days. Look for community groups who will volunteer services and money, but make sure that their role is spelled out in advance by the jail administration. Some national organizations which are interested in the problems of women offenders are the Business and Professional Women, American Association of University Women, Church Women United and Junior League. Give them recognition in exchange for their efforts.

She advised making use of services already available in the community to non-incarcerated women, such as child care, social services, and education. For example, Lucas County, she said, has 34 nonpayment service agreements with other county agencies.

Within the jail itself, Smith said, religious, educational and recreational programs are offered as well as services of personal advocacy, crisis intervention and help in planning the concrete details of reentry into the community.

In contrast to Smith's program which was integrated into an existing facility, Davis described the newly built Women's Detention Center which combines innovative programs with a facility especially designed for the special needs of the female offender.

Physically attractive, with bright colors, art work, individual rooms, and open space, the center focuses, Davis said, on the female offender as a woman, emphasizing "privacy, dignity, and self-worth." Some of the programs include GED, basic education, social development, and human relations courses provided by the community college, and a cosmetology school licensed by the state. CETA funds have been obtained which pay inmates involved in a training program in landscaping. This is not a work release program since the inmates are supervised, but Dade County does have a state work release house for 30 women.

Davis noted that incentives are provided for women to participate and excel, using funds donated by the community to take some of the women to plays and other events. Women can also gain or lose days on their sentences depending on their participation.

She emphasized that "rehabilitation" is not what is needed for women inmates. They have nothing to be rehabilitated to. What is needed, she said, is development of personal worth and responsibility.

EDUCATIONAL AND VOCATIONAL TRAINING

Moderator: Kenneth Preadmore, Sheriff, Ingham County, Michigan

Jail inmates cannot be helped by educational and vocational programs unless the program planners understand the inmates' own needs, backgrounds, and motivations.

That theme was implicit in the presentations of all the panelists in the workshop on educational and vocational training. The panelists reported on a number of ways these programs can help inmates change their outlook and prepare for reentry into the community.

Marie Mactavish, program director, Boulder County (Colo.) Corrections, suggested that jail personnel examine the motivations and backgrounds of the inmates. Most inmates, she said, have a history of failure and a lack of self-esteem. They are not interested in long-term career or educational goals and want immediate rewards.

Mactavish advocated designing programs for "the whole person." A program cannot be designed simply to prevent recidivism or to help a person attain high school equivalency, she said. It must instead help the inmate prepare for many aspects of life outside the jail.

She suggested that intake interviews determine the inmates' knowledge of community resources, their skills and interests, and the potential for a future in the kind of work they have been doing. The results of any vocational or interest tests

should be reported back to the inmates, she said. Often even those who are in jail for a short time may learn something about their vocational potential from these test results.

She reported that the Boulder County corrections system holds a number of workshops for inmates who are confined for a short period of time. They deal with values clarification or life planning, filling out applications, participating in job interviews, dealing with a criminal record or background, and dealing with conflict when things go wrong.

Because many of the people in the Boulder jails dropped out of school at an early age, many of the educational programs emphasize basic reading and math "survival skills" rather than a GED program.

The vocational programs involve volunteers, correctional staff, community groups, and other governmental departments such as manpower and education. Mactavish said that no matter what the backgrounds of the program people, they need a sense of humor, patience, and creativity in finding community resources. They also should be with others in the institution so that vocational and educational programs are related to the total jail environment and to any problems the inmates may be facing.

The crisis in American jails might be compared to a civil war, according to Dr. John F. Knoll, education program director of the Bexar County (Tex.) Jail. People are not learning in jails how to behave as human beings. The system has failed to change people in heart, mind, spirit, and body while they are in jail.

"Jails," Dr. Knoll said, "must be changed from houses of punishment to houses of transformation."

Traditional educational programs will not work with persons who have experienced failure in school and the community, Dr. Knoll said. He suggested using nontraditional seating arrangements in classes, planning a variety of activities in each class, and using as many educational media as possible.

In the Bexar County Jail, he said, a closed-circuit radio and television station has been established. Inmates are involved in planning the programs that will be broadcast, working on technical aspects of the broadcasts and serving as disc jockeys.

In addition, a computer-terminal teaching system is used. Called PLATO (Programmed Learning and Teaching Operation), it allows the inmates to "program" their own questions. The computer either reinforces the inmates' answers or suggests how they could arrive at the right answer. Many of the inmates like the system, Dr. Knoll said, because it doesn't "hassle" them the way they believe a teacher would.

Like Mactavish, Dr. Knoll emphasized the need for a broad approach to education. His program emphasizes art, dramatics, music, exercise, and consumer education. He suggested that other aspects of the jail environment, such as improved nutrition and quieter surroundings, may have a beneficial effect on the inmates' behavior and rehabilitation.

Dr. Knoll urged jail officials to develop creative ways to achieve three basic needs: money, ideas, and people. Money is available from a variety of public and private sources. Ideas can be put to use to help inmates learn to solve their own problems and identify their values. The people who work with educational programs need to be articulate and imaginative, as well as skilled in their subject areas.

MARLAN TREVIS, assistant director of the Kane County (Ill.) Adult Corrections Center, said no institution can ever claim with certainty to have "reformed" even one individual.

He cautioned jail officials not to claim that they can reduce recidivism but instead to do the best they can to change the lives of each individual.

"We have to make him want to change," Trevis said. But even the inmate who believes he will never again return to jail might well return to his old lifestyle once out of the protective environment of an institution.

Like the other speakers, Trevis emphasized the importance of community involvement in providing many of the educational and vocational programs in jails.

Trevis urged that jails engage in "brokering," helping draw together the resources that can help people change their lives. He said most community agencies and many individuals are willing to extend their services or expertise to jails.

The major problem encountered in vocational or educational programs in jails, he said, are inmate apathy, schedule conflicts with other activities the inmates may find more appealing, and the difficulty of completing courses during a short-term sentence.

Following the panelists' presentations, members of the audience discussed what one participant called "the real jail crisis"—the changing role of jails. Some members of the audience felt that jails should not be required to provide educational services because such services are better provided in community-based programs.

Moderator Kenneth Preadmore responded that if inmates do not get such programs in jail, they are likely to go on to prison and be even less receptive to educational programs. If people don't receive appropriate programs, he said, "jail becomes the first step in the moral deterioration of the inmates."

DELIVERING SERVICES IN THE RURAL JAIL

Moderator: Shanler D. Cronk, Program Director, National Rural Center, Washington, D.C.

Use of community resources as the key to delivering services in the rural jail was the consensus of speakers at this panel.

Moderator Shanler D. Cronk noted that local governments face the same common problems in reaching rural areas whether the service be education, agricultural economics, health care, or criminal justice. Rural areas have a diverse and widely scattered population. This makes it difficult to provide the concentration of staff, programs, and equipment possible in an urban environment and increases costs for personnel and facilities if enough are to be provided.

Richard R. Jensen, director, Northwest Regional Corrections Center, Crookston, Minn., spoke about a three-county corrections center developed in northwestern Minnesota. A strong commitment to developing local resources already existed. But "the people had no idea what they wanted to do and how to accomplish it," Jensen said.

Jensen described the services offered at the center. Staff includes a work-release coordinator, an adult education teacher, and a vocational teacher. Written agreements exist with social service agencies, formalizing the community's responsibility to clients while they are incarcerated. A food service was developed with the help of interns from a nearby university. Funding was found for developing library and education resources.

Problems that Jensen has encountered are primarily due to fluctuation in the number of inmates. Staff and services are developed for 25. The first year of operation, Jensen said, they averaged 29 inmates; the second year they averaged 19. Thus, they are either understaffed or overstaffed.

Jensen said that with the rapid turnover in the center's population, it is hard to establish a treatment milieu. Thus, one should capitalize on community resources, using the informal relations that exist and "try to find the best people to do the jobs." He concluded, "The values and attitudes of the people involved are more important than who is running the jail."

John Lord, rehabilitation coordinator, Merrimack County (N.H.) Department of Corrections, said he puts the emphasis on using existing services in line with his basic philosophy of getting the inmates back to the community. Feeling that it is the responsibility of local agencies to deal with local inmates, he said, "I try to shift responsibility back to the community resources." One good result of this approach is flexibility in tailoring programs to the individual, he added.

Public relations is an important aspect of this approach, Lord said, especially meeting the directors of community agencies. When resources do not already exist, alternatives can be developed by using volunteers, students, and inmates. Lord also suggested going to the private sector for resources and money. The solution, he said, is "hooking the right people up to each other."

One of the biggest problems, he felt, is the tremendous lack of public information on corrections. "The public is very unaware of what we do and how we do it," he said. He suggested speaking to human services agencies, Rotary Clubs, and others who can have a great deal of impact.

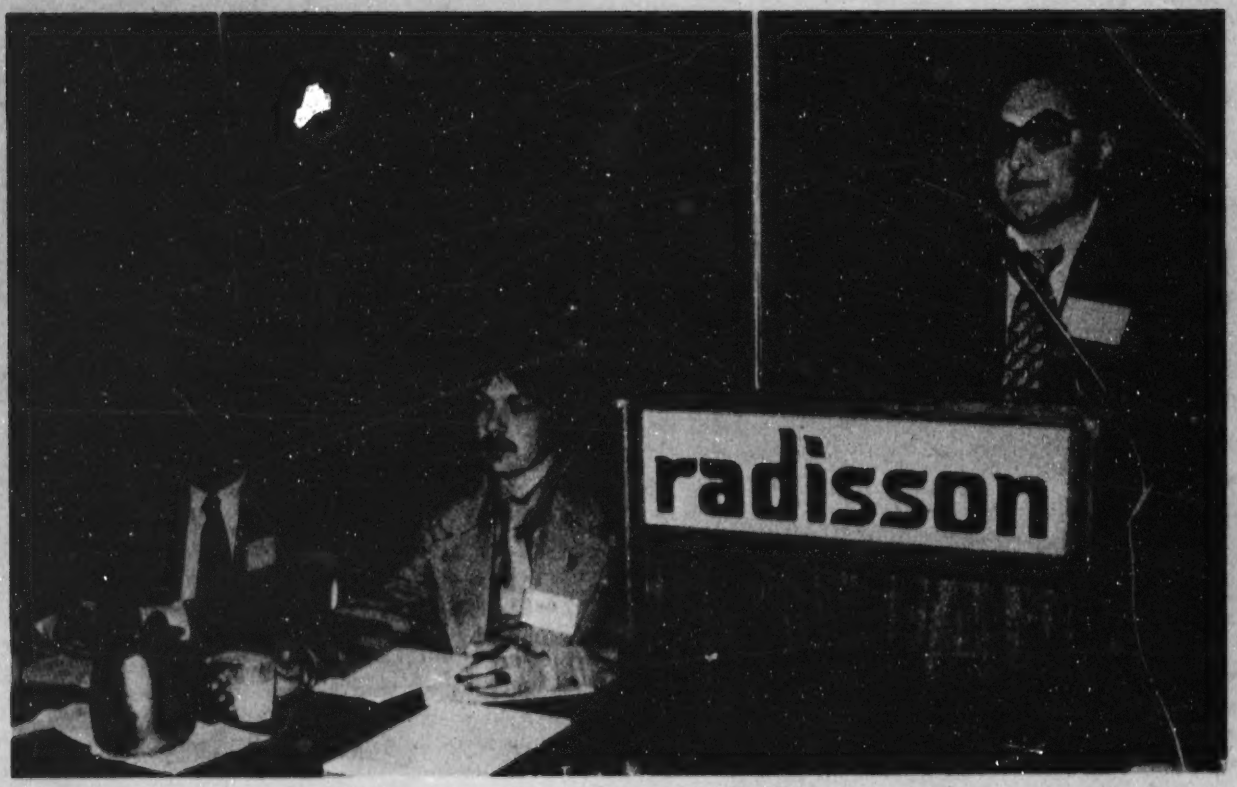
Lord said that in small communities one must use the available resources and create those that aren't available. It is a situation, he said, that is constantly changing, but a lot can be done with little money and small staff.

HEALTH AND MEDICAL CARE

Moderator: Dr. Bernard Berman, Director, Genesee County (Michigan) Health Department

Myron P. Nidetz, associate director of the American Medical Association's (AMA) Program to Improve Health Care in Jails, described the newly adopted AMA standards for health care in jails as the result of a 1972 survey which found that one-third of the jails in the United States had no services provided by a physician, two-thirds had only first aid, the predominant pattern for medical care was emergency only, and less than 40 percent of the facilities had regular, nonemergency medical service.

At the same time, he said, hundreds of lawsuits were being filed as a result of such lack of medical facilities. In fact, 14 states and 189 jails were involved in lawsuits or court orders.



HEALTH AND MEDICAL CARE: (from left) Myron Nidetz, Dr. Richard Wade, and Dr. Bernard Berman.

With an LEAA grant, AMA began its Jail Project under its Advisory Committee to Improve Medical Care and Health Services in Correctional Institutions. Six pilot states with a total of 30 pilot jails were studied. The results were comprehensive standards, model programs, and a national accreditation program.

While courts have uniformly required "adequate care," the standards go ahead and define it, he said. The standards deal with health appraisal, emergency, nonemergency, mental, and dental care as well as pharmaceuticals, detoxification, hygiene, and medical records, and have been approved by the American Correctional Association's Commission on Accreditation for Corrections and by the National Sheriffs Association's Detention-Corrections Committee. They are, he said, applicable to jails of any size.

AMA accreditation is achieved, Nidetz said, only after a survey team has interviewed inmate patients, jailers and health-care providers in the community. In the next year, he expects the accreditation program to be extended beyond the pilot jails into 10 additional states.

Nidetz reported that definite changes can be observed in the pilot jails after only two years. For example, there has been a 70 percent increase in availability of the most important health care services, and most of these services were determined to be adequate as well. Moreover, changes occurred in policies governing the handling of medications, in record-keeping systems, and in the number of medical personnel serving the jails.

Nidetz pointed out that reorganization of a jail's health care system can bring about needed changes without the investment of large amounts of money in facilities, equipment and personnel, if there is cooperation among the community, care-providers, and the jail administration.

Speaking from the point of view of the American Public Health Association (APHA), Dr. Richard Wade, director of the Division of Environmental Health of the Minnesota Department of Health's Program Development Board, brought out that health care in the jail on a par with that provided in the surrounding community is a right of jail inmates and not a privilege. Volunteer efforts, like those of the APHA, can define minimal standards applicable to any institution, but they must be tailored to fit each locality.

There are some basic concepts which jail administrators must remember, he said. Jail personnel must take the initiative, screen inmates on entry for preexisting conditions and injuries, and tell the new inmate how to obtain care while

incarcerated. Privacy and dignity must be protected, and the special problems of women, including contraception, must be considered. There must be no control of the inmate's access to health care. Services from outside specialists must not be curtailed for security reasons.

A "sick call" must be carried out on schedule and provisions made for emergency care, whether "on call" or by permanent staff.

It is important, too, he said, to have guidelines already set before an individual problem comes up in such areas as cosmetic, dental, and elective surgery.

In response to concerns of the audience, he defined elective surgery as treatment for a condition which would not worsen during a stay in jail. However, if the sentence was a long one, he said, it would be morally incumbent on the jail to provide treatment. He agreed with a member of the audience who noted that this might be the inmate's only chance for good medical attention, and it might have a long-term effect on his future.

Wade emphasized that complete medical records must be kept, including medications given and treatment obtained. Prescribed diets must be followed. All medications should be stored in a secure area, stocked by a licensed pharmacist, and dispensed only by medical staff.

Local and state codes in the environmental health field must be followed as far as water, sewage, and food sanitation are concerned, he said. There must be access to bathing facilities, and clean linen and bedding must be provided. Open space, including opportunity for exercise, must be provided. Such space also inhibits spread of disease.

While the audience agreed with the need for such standards, keeping to them, they indicated, offers some problems.

The speakers agreed that there is a problem with keeping permanent medical staff in a jail setting. One solution they offered would be to have physicians in the community rotate in providing service to the jail, or to share the jail facilities with the general public at certain days or hours, thus providing the physician with a better "mix" of patients. The fear was expressed that physicians stationed permanently in a jail would become less sympathetic with their patients' needs. Moderator Dr. Bernard Berman indicated that the facilities provided for the doctor, whether permanent or on call, and the attitude of the jail administration could have an effect on the attitude of the physician.

Nidetz suggested that, just as jail personnel are screened for suitability to the corrections facility environment, so physicians must be screened before they take such a position. He said that AMA has prepared a monograph outlining for physicians the special problems of a jail practice.

He added that under a National Institute of Corrections grant, AMA has training programs for jail personnel to help them screen inmates as to the need for medical attention. But, he said, jail personnel should not be used to take the place of a physician or physician-extender and should not be dispensing medication. In most states, he noted, such action is forbidden by law.

COMMUNITY RELEASE PROGRAMS

Moderator: Sigmund L. Fine, Superintendent, Hennepin County (Minnesota) Adult Corrections Facility

Careful screening of candidates and development of good community relations are key factors in a successful work release program, according to speakers on the panel.

In addition, moderator Sigmund L. Fine said that any tendency to rely too much on such programs should be avoided. He added, "Work release programs are not a panacea for overcrowded jails."

Arthur Wallenstein, director, Bucks County (Pa.) Department of Corrections, concentrated on furloughs for those convicted and serving sentence. Wallenstein said the key decision in deciding to grant furloughs is "to be willing to go outside the jail and risk putting a program in the community itself."

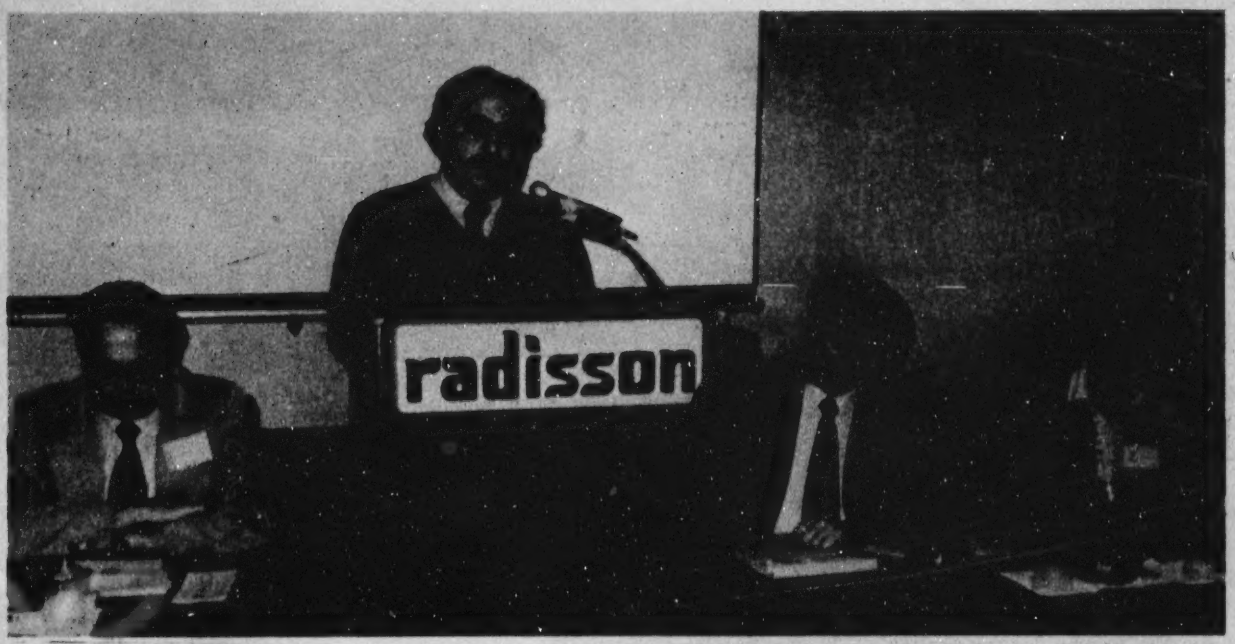
Wallenstein maintained that a furlough program can be successful. In Bucks County since 1974, 558 people have gone out on 1857 furloughs. Five failed to return but all five turned themselves in before committing a crime.

The Bucks County program operates from the Bucks County Rehabilitation Center, a minimum security facility housing sentenced individuals. Since 1963, many persons who receive state sentences are remanded to the Bucks County Department of Corrections because of the availability of treatment and work release programs. Virtually all sentenced prisoners will be reviewed and assigned to the Rehabilitation Center at some point during their incarceration.

Unescorted furloughs are of four types, and none last longer than 48 hours.

The temporary home furlough is granted to a resident at the time of a death or serious illness in the family.

The prerelease furlough lets the inmate return to the community for the purpose of obtaining



COMMUNITY RELEASE PROGRAMS. (from left) Phillip L. Severson, Arthur Wallenstein, Sigmund Fine, Fernando Lira

housing and employment in connection with establishing a parole plan.

The incentive furlough is aimed at bolstering family relationships, and is granted to those who have maintained a good work record in the work release program.

Special holiday furloughs involve large numbers of residents around Christmas, Thanksgiving, and Easter.

However, Wallenstein said, "Furloughs should not be used in and of themselves, but as part of a larger treatment program. ... Linking furloughs to positive program involvement, such as work release, offers an automatic screening tool as behavior in the community has been tested on a daily basis through the work situation prior to testing behavior in a total social setting."

Screening begins with the Classification Committee review of each newly sentenced prisoner for security status and for transfer to the community-based center.

Immediately upon arriving at the Rehabilitation Center, the inmate is screened for the work release program. No one is eligible for furlough unless he or she has been participating in this program.

The next step is a Case Conference by key Rehabilitation Center personnel after an inmate requests furlough approval and if he has been: approved for work release and spent at least one month at the center, has 30 days continous employment with a good work record, has 30 days without a misconduct report, and has participated in all required treatment plans and programs. If the Case Conference reports favorably, final approval must come from the sentencing judge.

Wallenstein said that when problems do arise "the strongest hand lies with the community." He advised selling the program, especially developing a volunteer program. "These people will back you up during difficult days," he said. "Don't be afraid of your community."

FERNANDO LIRA, work release supervisor, Shawnee County, Kan., discussed the development of the county's work release program, begun in 1974 as a halfway house.

Lira said that inmates are screened by himself, three or four probation officers and a judge for type of offense, motivation, family background, and stability in the community in the past.

At the halfway house the inmate is helped to find employment. He may work in the community immediately or be phased in by first working in the jail. The halfway house provides recreational facilities, educational help, employment counseling, and medical and psychiatric aid.

After three weeks inmates are allowed passes, progressing eventually to weekend passes. Lira said the passes have worked well since the inmates know exactly what they must do to receive them.

He admitted, however, that their program could be improved. The county would like to have its own residential facility instead of sharing the halfway house with the state, and he himself would like to increase the staff size to maintain closer contact with the inmates, thus preventing problems before they occur.

Phillip L. Severson, director of custody, Maricopa County, Ariz., comes from the fastest growing county in America, with one of the largest county jail populations in the country. The county's community release program involves a skills center with 35 vocational training slots. The rationale for providing the center, Severson said, is that most inmates have only a sixth grade educational level and no skills.

The majority of inmates at the skills center are involved in vocational training and placed in jobs. The recidivism rate is about 12 percent. "Vocational training," Severson said, "is very important to holding down the number of people recycled through the system."

EMPLOYMENT PROGRAMS: REINTEGRATING OFFENDERS

Moderator: Gary D. Adams, Chairman, Board of Commissioners, Champaign County, Illinois

The objective of employment programs for inmates is to keep them from returning to prison, according to moderator Gary D. Adams. Panel members discussed their various approaches to accomplishing that goal.

Dr. Osa Coffey, director, Coordinated Community Offender Employment Programs, American Correctional Association, pointed out that there is a "direct causal relationship" between crime and unemployment that mandates action. For example, she said, statistics show that only 45 percent of those in jails today were employed full-time when arrested, and of these, 80 percent had less than a poverty-level income. The rest were unemployed or underemployed. She said that only 10 percent of the nation's prison population has finished high school; 85 percent dropped out before their 16th birthday. Moreover, 65 percent have no marketable skills.

Although the Comprehensive Employment and Training Act (CETA) has done something to help the ex-offender, Dr. Coffey said the situation is still bleak. The unemployment rate for ex-offenders is four times that of the general public. Their problems include the stigma of a criminal record and the licensing restrictions that bar them from about 75 different occupations.

She thinks "every jail program should focus on the goal of employment." Her CCOE program, now functioning in four facilities in the nation, is funded through an LEAA grant. She said the emphasis is on increasing employability through training as well as increasing employment opportunities with placement aid.

The first step in setting up such a program, she said, is to designate a full-time "employment opportunities coordinator" with good public relations skills and political savvy. The coordinator's tasks should include planning and development, the coordination of services already existing in the community, and taking on the role of advocate for ex-offenders.

Dr. Coffey recommends the following steps for getting offenders and ex-offenders into the job market:

- Intake and assessment: Look at the client's personal history of work, education, etc. Testing can also be done as needed at local colleges.
- Job counseling: Put together an employment plan of the types of jobs that would be appropriate for the client.
- Preemployment training: This might include a curriculum taught by CETA people and volunteers, structured informally to allow for the constant turnover rate of people. It might also include temporary employment such as a work-release plan.
- Supportive services: Give help with other personal problems like alcoholism.
- Job development and placement: Channel clients into programs like CETA as well as into the community.
- Follow-up: Meet with the client on a frequent and regular schedule and then gradually taper off.
- Evaluation: Collect data on the client's progress after placement, both to improve the program and to give it credibility with the community.

She suggested that volunteers should play a decisive role in any program, for example, Jaycees, local chambers of commerce, or student interns.

Project HIRED (Helping Industry Resolve Employment Disabilities) has the same focus as CCOE, seeking to minimize roadblocks to employment for ex-offenders. Stan Kano, project director, has two categories of staff: placement counselors, who prepare people for the work force, and job developers, who work with prospective employers.

The project's job developers go out into the community to prospective employers and collect data on variables such as job requirements, unionization, and accessibility of public transportation to the company plant. They also get estimates on when job openings are expected.

These variables are then matched by a computer with a client's variables such as expected home base, skills and education, and

time of release. This method, Kano stressed, is not only efficient, but also reduces the frustration of a client caused by "fishing" for jobs without direction.

Kano said his staff team is strong and "accountable to each other." He said monthly percentile goals are set for all aspects of the project. For example, the goal for placement of inmates in full-time jobs is 75 percent with only a 10 percent leeway. This method, Kano believes, reveals project strengths and weaknesses that can be identified specifically.

The Community Correctional Services (CCS), under Illinois' Court Services, 16th Judicial Circuit, serves several counties and is funded through state CETA funds.

Anthony Scillia, member of the Illinois Prisoner Review Board, cited statistics that reveal the program's effectiveness. CCS clients in 1976 were shown to be employed longer and with higher income levels than probationers from a 1974 control group.

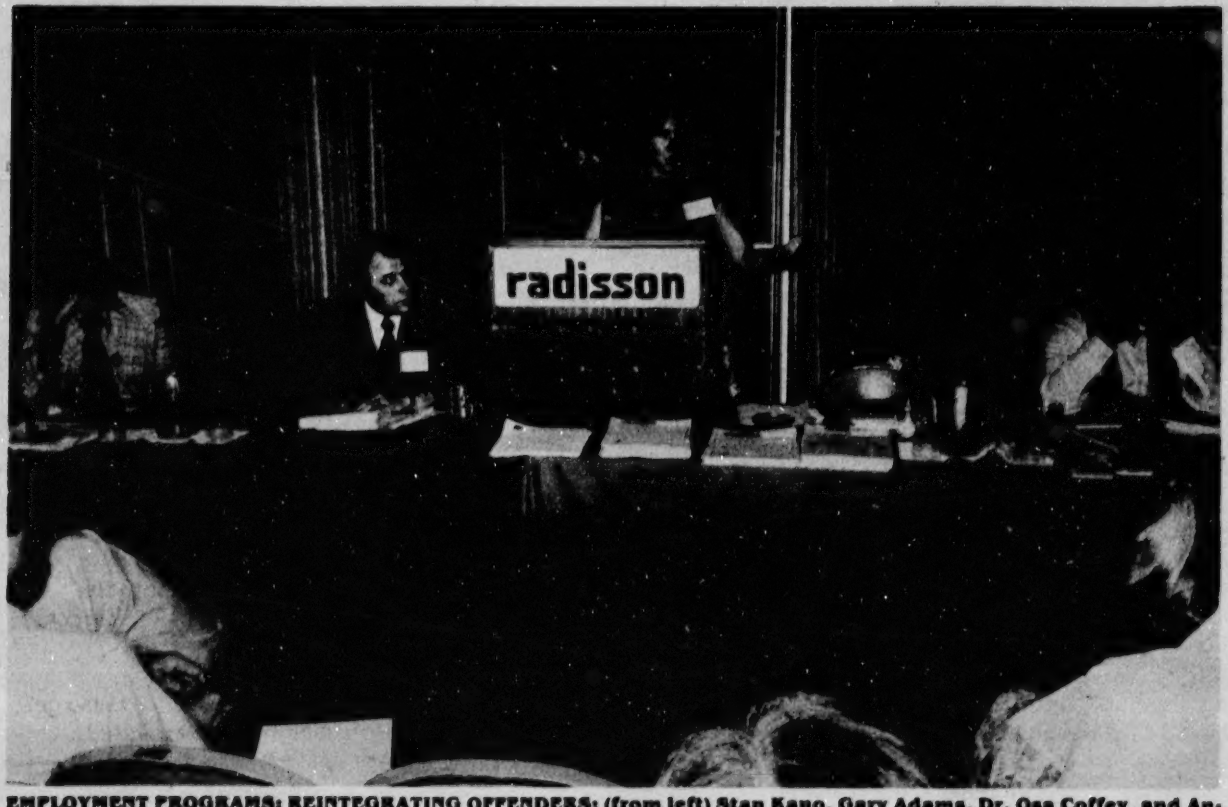
Like the other two programs, CCS interviews offenders and ex-offenders to establish an "intake report" that is channeled to a job developer. That developer tries to prepare the client to find his own job, as well as giving him leads in the community.

To do this requires extensive links between the job developers and community employers who are, according to Scillia, very reluctant to hire ex-offenders.

While the client is still in prison, Scillia said, employers are scheduled to come into the jail and conduct interviews. Inmates are often hired that day. All employers who participate in this method fill out an evaluation of prisoners' interviewing skills. Scillia said that between 70 and 80 percent of the inmates are rated as superior to their peers on the "outside."

Scillia emphasized the need for a commitment of funding to projects like CCS by state and local officials, as well as the need for close ties between all levels of the criminal justice system and community employers. He also said that care should be taken to select quality staff. CCS hires, he said, people directly out of college as well as those with extensive experience, including ex-offenders.

He also stressed the desirability of placing offenders in the competitive job market rather than in temporary public service jobs such as those under CETA.



EMPLOYMENT PROGRAMS: REINTEGRATING OFFENDERS: (from left) Stan Kano, Gary Adams, Dr. Osa Coffey, and Anthony M. Scillia.

APPROACHES TO DIVERSION OF JUVENILES FROM JAIL

Moderator: Josephine Gittler, Chief Counsel, Senate Judiciary Subcommittee on Juvenile Justice

Counties are trying in a variety of ways to keep young people out of jails and other detention facilities whose environments can complicate rather than ameliorate the problems of youth.

The Hon. John P. Collins, presiding judge, Pima County (Ariz.) Juvenile Court, described his county's efforts to set up juvenile diversion programs run by community groups rather than by the county government itself.

"Programs run by the bureaucracy just don't appeal to the young people as much as those run by community organizations," he said.

With the help of a coalition of community groups and a grant from the Law Enforcement Assistance Administration, the county established 25 programs serving a variety of needs.

Many of the programs provide activities for young people. Boredom, Judge Collins said, "is like an empty gasoline drum with fumes. It can be even more dangerous than activity we might not approve of. These young people want to be involved in something now. We need to enroll them in life."

Judge Collins said people interested in juvenile justice should look at the way young people see things and how they respond to the events around them, to reveal the causes of their behavior.

Despite the variety of services Pima County has been able to provide, Judge Collins said he does not consider the program fully successful.

"I tell the probation officers to 'think zero'—to try to help all the youngsters they are working with so they eventually will have a zero caseload."

A different kind of alternative to detention was described by Susanne Smith, administrator, Home Detention Program, Hennepin County (Minn.) Juvenile Center.

Her program provides close supervision for youngsters who are returned to their own homes—or the home of another responsible adult—while awaiting court action or referral to another program.

Youngsters are referred for home detention only after receiving a detention order and being carefully screened to see if they could live successfully at home rather than at the county detention center.

Each young person helps develop a contract for his or her activities and behavior during the home detention period, which averages three weeks.

The young people are supervised closely by either a paid staff member or a volunteer. These home detention workers make a daily personal contact with the child and the family, check school attendance and progress, talk with work supervisors if the youngster is employed, and consult with the youngster's social worker or probation officer. The home detention workers submit written reports.

YOUNG PEOPLE who violate any condition of their contracts are returned to the secure detention program. Smith reported that the program has been highly successful both in the young people's ability to keep out of trouble and in their attitude toward the program.

"The kids believe that the program is fair," she said. "It places responsibility for their behavior directly on the youngsters."

In addition, she said, the involvement of unpaid volunteers demonstrates to the youngsters that somebody really cares about them.

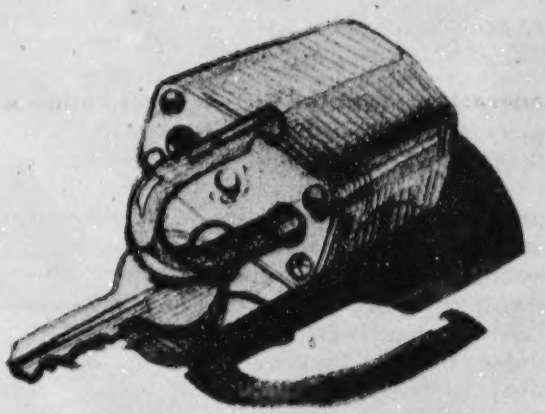
The program is cost-effective, with a per child cost of about $7 a day as compared with $60 in the county detention center. It avoids problems children often have after release from a term in the detention center, such as being behind in school or losing a job.

The major disadvantage of such a program, Smith reported, is that it often puts the youngster back into the pressure situation at home that may have caused the problems.

She said the success of a home detention program depends on careful selection of the eligible young people, support for the program on the part of juvenile judges, and a small caseload for volunteers and staff.

Other options for diversion of young people from jails and detention centers, as described by panel moderator Josephine Gittler, include nonsecure residential facilities (such as group homes) and foster care, which may be particularly appropriate in rural and semi-rural areas where other programs do not exist.

Developing Solutions



On Friday, participants looked at a number of ways to improve existing jails, work out alternative solutions to incarceration, and generally upgrade the delivery of criminal justice in the local community. The plenary session set the tone for the discussions.

WHERE DO WE LOOK FOR SOLUTIONS TO THE JAIL CRISIS?

Moderator: Donald Omodt, Sheriff, Hennepin County, Minnesota; Chairman, Detention and Corrections Committee, National Sheriffs Association

What has been called a "jail crisis" is really a "criminal justice system crisis," according to Pat McManus, assistant commissioner for community services, Minnesota Department of Corrections.

McManus said the problems of jails are simply one manifestation of the overall system problems, including those of law enforcement, courts, and prisons.

"Any solutions must take into account that jails are a piece of the criminal justice machinery," he said, adding that the pieces in the machine do not relate well to one another, so that the criminal justice system is not genuinely a "system."

Minnesota has attempted to improve coordination of the criminal justice system through its Community Corrections Act, passed in 1973. The act decentralizes criminal justice programs by giving subsidies to counties that choose to participate. The counties must plan and implement their own criminal justice programs, which vary greatly from one county to another.

The state's role in the system is providing backup to local programs, primarily through the state-run prisons.

Each participating county sets up a corrections advisory board with representatives from all parts of the criminal justice system and from related agencies such as health and welfare bodies. This group develops a comprehensive plan for the area it serves.

The wide representation on the board tends to result in jails and other programs being planned as integral parts of the local system. While cautioning that the Minnesota program may not be a "prescription" for other states, McManus reported that it is helping to coordinate and improve local services and to reduce the burden on local property taxes.

He also reported that his department is examining the possibility of using state government funds to help construct or improve local jail facilities. The department is preparing a legislative request that includes a comprehensive look at present and future jail needs throughout the state.

McManus stated that "new alliances" are needed if the problems of jails are to be resolved. Jails can no longer be "the sheriff's domain"; professional and governmental barriers must be broken down.

"If we can find ways to keep the system from being part of the problem," he said, "we can begin to make jails an effective, reasonable part of the criminal justice system."

The public must accept the responsibility for and ownership of jails if jail problems are to be solved, according to Elizabeth Hurlow-Hannah, director, Citizens Involvement Project, Offender Aid and Restoration of the United States, Inc. (OAR).

Most citizens have neglected jails in the past, she said. Jails tend to get publicity only when something goes wrong. People are reinforced in their belief that "everyone in jail is bad" and "we should lock them up and throw away the key."

The OAR program involves people directly in jail

problems by matching volunteers with first-time offenders. Begun in 1969, the basic program operates in 16 facilities in five states. A new adjunct to the program is a nationwide pilot program that teaches sheriffs and community leaders how to run the volunteer program. The training program now operates in 31 cities.

Each OAR program is directed by a steering committee with broad representation from ethnic and social groups in the community, as well as the court system and the sheriff's office. An executive director carries out the program and recruits and trains volunteers.

Hurlow-Hannah said that many of the volunteers are found by talking with community leaders and asking for names of involved, active people. The volunteers undergo intensive training and are carefully screened, much as paid employees would be.

"This program has shown that one person can make the difference in the life of an inmate," she said. "We all can be change agents."

IMPROVING JAIL MANAGEMENT

Moderator: Susan Stanton, Director, Jackson County (Mo.) Department of Corrections

The workshop on jail management stressed the need for jail administrators to set objectives and purposes for the jail and devise an action plan to carry out those objectives.

J. Michael Keating, Jr., project director, National Corrections Technical Assistance Project, University Research Corporation, emphasized the importance of involving many people, within the system and within the community, in the objective setting process. There must also be input from the policy makers—county officials, managers of service programs, the public. Once objectives have been agreed upon, they should be widely publicized, especially within the legal community and the courts.

The next step is planning to meet those objectives. "The theory behind planning," he said, "is to take the time to sit down before you labor through all of the trial-and-error and hit-or-miss techniques."

Keating listed resources available to help in the jail management process:

- Federal dollars and programs, including Law Enforcement Assistance Administration, National Institute of Corrections, Comprehensive Employment and Training Act, Economic Development Administration, ACTION programs, Community Services Administration, Public Health Service, and the National Criminal Justice Reference Service.
- Consultants, both private and public, who offer technical assistance, including state planning agencies.
- Other jail administrators.
- Local community businessmen and managers.
- The jail's own staff.

He also listed issues that concern administrators in jail management. One, he said, could be summed up in one word: "crunch." There are more bodies in our jails than there is room, and there are fewer dollars available to meet the problem.

THE DEMAND for accountability is also affecting corrections in general and the jails in particular. The main push for accountability, he said, is coming from the courts, which try to make decisions on how the jail should be run regardless of their qualifications and their ability to understand the day-to-day problems. The wave of court intervention is going to continue, he said, because courts are a part of the system and need to have some idea of what happens to the prisoners they sentence.

Other calls for accountability come from the news media, which, in the wake of Watergate, are on the alert for improper conduct, and from the public and politicians.

Another phenomenon that jail managers are facing is the explosion of knowledge during this post-industrial age. This explosion has resulted in new technology and new planning techniques. Technology, while it can help enormously in controlling the jail environment, also has its drawbacks, he said.

John Milosovich, correctional specialist, National Institute of Corrections Jail Center, said that although there tends to be animosity toward standards, jail administrators can use standards to their advantage. It's better to expend energy trying to work with them than to fight them. Also, he said, standards can be used to sell the idea of budget increases for jail needs. If the public knows that money is needed to meet certain standards, there will be less resistance to providing it.

He listed ten "proactive" steps in adopting standards for individual jails:

- Identify standards that apply to your jail.
- Develop an audit format to see whether you are complying with standards on a regular basis.
- Test your staff with the standards.
- Conduct audits.

John Milosevich

- Write policy and procedures and explain how you will implement them.
- Test the policy and procedures with the staff.
- Train your staff.
- Conduct ongoing audits to check compliance.
- Identify deficiencies in the initial audit.
- Develop an action agenda of what needs to be done and who will do it and when.

He said attention should also be given to personnel management. "We put very little time and money in the recruitment and hiring practices and training programs," he said.

Don't hire just anyone, he advised; start a recruitment project. Advertise the job and solicit people from universities, industry, and the community to get a variety of people to interview.

The selection of personnel should be done by more than one person, he said. Set up a screening process.

Take the time to outline what the people will be doing in their specific jobs and what qualifications you require of the people.

Probationary periods for employees should be used. After six months, if the people you hired don't meet your expectations or aren't doing the job, fire them," he said. Don't keep bad employees on the payroll, because it will mean more work for others on your staff who do good work.

He reiterated Keating's idea of setting objectives and making action plans. He stressed the importance of taking time to do this, and suggested that administrators delegate some of their work to give them time to plan.

ISSUES IN ARCHITECTURE: SECURITY VS. PROGRAMMING

Moderator: Dennis A. Kimme, Associate Director, National Clearinghouse for Criminal Justice Planning and Architecture

Cooperation between architect and county and the way in which they can work together to provide both security and desired programming were the themes of the workshop on Issues in Architecture. Norman E. Wirkler, vice president of the Durrant Group, Inc., and a member of the American Institute of Architects' Committee on Architecture for Justice, outlined the role of the architect in the planning and implementation of jail construction.

He mentioned that the AIA Committee is charged with informing architects of the problems that must be taken into consideration in the design of jail facilities, a kind of building which the average architect is not familiar with at firsthand. He offered a checklist for the sheriff and elected officials to use before putting a project into the hands of the architect. The other panelists concurred with this checklist and all emphasized that continuity is the most important aspect in the way architect and client work together.

Wirkler listed the stages before implementation as input (data gathering, interviews with involved community leaders, a look at the existing facilities, probable manpower costs, and selection of alternative sites), analysis (space programming, population projections, desired inmate programs, and site analysis), and action (policy concept, building materials choice, budget, site selection) as being more in the hands of the client than the architect. Money can be saved, he said, if county staff can put together much of this information. However, all the panelists reiterated that the architect must be kept informed as this material is put together to avoid waste of effort. At the same time, the county staff must be involved as the architect begins to implement their requirements, so they can identify with the final product.

THE ROLE OF the architect, added Judson Marquardt, managing associate of Naramore, Bain, Brady and Johanson, is to "implement the client's philosophy by translating it into physical terms." He also mentioned the emerging role of the economist in determining the feasibility of construction, including estimating future operating costs ahead of time. Every two years, he said, as much money is spent on operations as was spent originally to build the facility. Trade-offs should be explored, said Wirkler, as far as costs are

concerned. If operations are arranged, for example, to eliminate one staff position (probably involving five staff members), $750,000 will be available for construction costs.

With regard to the fees involved, all panelists agreed that during negotiations it should be spelled out exactly who does what. For instance, if the architect does not do all the preliminary studies, the fee is less. He may simply be paid an hourly rate as a consultant in the early stages. Sometimes it pays to have a project manager as a go-between with the architect.

The necessity for maintenance must be kept in mind during the time when building materials are being decided on, said William L. Schroeder, staff architect, Hennepin County, Minn. He reminded the audience that, while the architect may be conversant with the special needs of jail construction, he may employ engineering consultants who are oblivious to the problems that may arise if lights, ducts, and other moving parts are not tamper-free.

The architect has a role in training staff to operate innovative systems in the new facility, Wirkler suggested. Formal instructional sessions should be included as construction proceeds and staff should be hired at that time who will be aware of the inner workings of new technical systems as they are installed.

In answer to specific concerns, the panelists said that a decision on vertical vs. horizontal construction really depends on cost of land and other economic factors. Either decision has advantages and perhaps a mix is best. Whether renovation is chosen over new construction also has economic implications. Renovation may be just as expensive and also carries the problems of phasing in, but more important is whether the facility is in the most convenient location.

Moderator Dennis A. Kimme also mentioned economic concerns in regard to whether different facilities should be provided for pretrial detainees and sentenced offenders. It would not be economical in small communities, he said, but if large communities can afford it, different legal and functional requirements might make separate facilities practical.

Projecting jail population before construction presents many problems, the panelists noted. Generally ratios between types of prisoners (male/female, adult/juvenile) will remain stable, but total population depends on the courts—the more beds available, the fewer offenders will be placed on probation, they noted.

STANDARDS: STATE OF THE ART

Moderator: James P. O'Neill,
Executive Director,
Colorado Sheriffs Association

Standards to measure the quality of jails are being developed on three levels. Eugene Miller, director, Jail Operations Project, National Sheriffs Association, reviewed progress by the states, while Don Hammergren, member of the American Correctional Association's Commission on Accreditation for Corrections, talked about national standards. O.S. (Bert) Friday, director, Division of Inspection, South Carolina Department of Corrections, described local development and implementation.

Miller described the National Sheriffs Association's project to develop model inspection forms for use by state inspectors, sheriffs or other administrators to evaluate their own jails. As part of this process, information on inspection programs was gathered from each state, giving an overview of the state of the art.

According to Miller, thirty-two states have inspection programs. Most are housed within the department of corrections. Twenty-nine of these states acknowledge some sort of enforcement powers, usually the authority for petitioning the court for closure.

The average size of an inspection staff is four professional employees. Many states have only one or two people. Most inspection staffs do not know what their budgets are since they are woven into three or four categories. When budgets were known, they averaged $200,000 per year.

Almost all programs claim to offer some technical assistance to the jails they monitor. Rather than putting the emphasis on enforcement, inspectors have a de facto responsibility to help jails comply with standards, said Miller.

Hammergren said it had been the dream of the American Correctional Association for years to develop a consistent set of standards for the field of corrections and provide assistance for improving correctional services. Its Committee on Accreditation for Corrections was established in 1974, in the hope that the process of accreditation would be the vehicle for improvement rather than waiting for standards to be imposed by the state or other agency.

Participation in the accreditation process is voluntary. Accreditation is awarded to correctional agencies demonstrating adherence to specific standards. Hammergren said a key part in the

process is the initial self-evaluation by the agency. Then a team trained by the commission audits the agency. A tally sheet is then sent back to the agency. Accreditation is granted if the agency complies with a certain percentage of the standards.

Friday provided a local perspective on implementing inspection of jails in South Carolina. Friday said, "We need to get people in the field of corrections to work out an arrangement which is workable, feasible, and agreeable to everyone."

In South Carolina, Friday said, they could have closed every jail in the state under inspection standards. But since this is not possible, the object is to improve the jails gradually. Since inspection began, there have been 23 county jails built or renovated.

Friday said those in the inspection field "should set up your unit as a unit of service, a problem-solving unit." In South Carolina a training unit exists which teaches a 40-hour course on administration and operation of jails.

Friday cautioned that inspectors have a lot of power, but if they don't work with others in the field, that power can be taken away. He said, "Always work with standards that are reasonable."

In answer to a question about lawsuits brought because of failure to meet standards, Miller said that courts rely on standards and guidelines, so jail administrators must learn about them and get a feeling for the trends. "Start looking at the standards before you get sued," he said. Friday added, "If you don't have standards, get them started."

STRATEGIES FOR UPGRADING THE RURAL JAIL

Moderator: Richard Germond, Sheriff, Lenawee County, Michigan

Rural jails face a number of problems of a different nature from those of large city jails, but resources are available to help overcome them.

Robert Cushman, writer for the American Justice Institute, told of two "prescriptive packages" his organization has developed to help jail officials in rural areas.

The first deals with the organization of corrections at the local level. It describes three models for organizing services: the county-run department of corrections or court services, the multicounty board of corrections, and the system in which the state government administers local corrections programs.

The second package describes community corrections centers: what they are, how they should be planned, and the kinds of people who should be served. Cushman commented that community programs should be more common in rural areas than they now are, to provide an alternative to commitment or to serve persons awaiting trial.

He reported on a number of possible sources for funding criminal justice programs in rural areas: Title XX of the Social Security Act, for indigent offenders; the Comprehensive Employment and Training Act; the Bureau of Prisons, which gives per diem payments for persons on probation; state per diem payments for persons who formerly would have been in state prisons, and mental health funds, especially for prisoners with drug and alcohol problems.

David Gustafson, director, Arrowhead Regional Corrections in northeastern Minnesota, reported on his agency's programs as a multicounty effort.

The program, he said, helps coordinate jail and corrections needs of the six participating counties, reducing the need for a full-service jail in each county.

Comprehensive planning has shown the number and type of inmates that need to be served in each area and the need for other programs. Such planning results in less competition among counties for funds and a better opportunity to get federal money.

The Minnesota Community Corrections Act provides part of the funding for the Arrowhead programs, and the participating counties contribute their share on a per capita basis.

The project is run by a board representing a variety of criminal justice and community interests. In addition to support functions such as research and planning, Gustafson's staff works in court and field services, juvenile institutional systems, and adult institutional systems.

Two regional centers have been set up, in addition to local jails in several of the counties. The regional corrections center is a working farm that generates income for its own programs and provides food for the inmates.

"We believe in the work ethic," Gustafson said. "The farm helps people develop work habits."

The regional corrections center also offers remedial education, driver's education, individual and group counseling, and a prevocational program that helps inmates develop and try out skills before they are placed in a community vocational training program.

A second facility, the regional detention center, provides a maximum security program for juveniles awaiting sentencing.

Although such a multicounty effort may not be feasible elsewhere, Gustafson said, jail officials should continue their efforts to improve and expand programs. Courts and other bodies concerned with jails usually recognize and appreciate good faith efforts to improve services in rural areas, he said.

Many of the planners who set standards for rural jails have never visited the jails, according to Charlie W. Flynt, research associate, Department of Criminal Justice, University of Southern Mississippi.

Standards often do not take rural jails into consideration, he said, even though they make up the vast majority of American jails.

To gain a better understanding of rural jails, Flynt's department undertook an intensive two-year study in which 42 students and architects visited all 150 operating rural jails in Mississippi.

"We looked at every jail under a microscope," Flynt said, and found that programs, rather than construction, were the major problem.

"I agree with the authority who said that you can run corrections in a barn if you have good programs," he said.

The study also found that sheriffs are expected to run corrections programs with training only in law enforcement, not in corrections.

The Mississippi study made a number of recommendations for improvement in rural jails:

- Plans should be written for controls during fires and riots and for the control of tools and keys.
- Persons who are awaiting trial should be kept separate from those who have been adjudicated. This simple procedure may well prevent a lawsuit, Flynt said.
- Salaries of corrections-related employees should be increased. Flynt reported that such salaries average about $7,000 a year in Mississippi and that the employees frequently work 60-hour weeks.
- Persons running jails should receive a minimum of 40 hours of training.
- Persons with heavy drug or alcohol use should be diverted to other programs and traffic violators should not be kept in jail. These two measures would result in closing of many jails.
- The state should develop a uniform jail docket, so that all jails could collect the same kinds of data on length of stay, type of offense, etc.
- Twenty regional jails should be established, 50 of the local jails should be eliminated, and most of the remaining local jails should be limited to 24-hour lockup.
- Statewide jail standards should be adopted.

Flynt emphasized that change is not always expensive. Much can be done, he said, with good planning and common sense.

During the discussion period, many rural officials expressed concern about the possibility that federal and district judges may set standards for their jails and become involved in jail operation.

Moderator Richard L. Germond suggested that one of the best ways to develop support for jail programs in the community is to keep county commissioners well informed about jail problems and operation.

Cushman added that local judges should be involved in jail policy making because they help determine who is sent to jail and for what length of

STATE SUBSIDY: THE STATE-LOCAL PARTNERSHIP: (from left) David Rooney, Sister Dolores Brinkel, David Gustafson, and Michael Dane.

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time. He suggested that in some cases a jail official may want to invite court action, because it can result in expenditures to improve jail programs.

STATE SUBSIDY: THE STATE-LOCAL PARTNERSHIP

Moderator: David Gustafson, Director, Arrowhead Regional Corrections, Northeastern Minnesota

Representatives from Minnesota, Oregon, and Kansas spoke about their new state laws establishing community corrections as a viable alternative to incarceration in state institutions.

David Rooney, director of corrections, Dodge-Olmsted-Fillmore counties, in southeastern Minnesota, outlined the major provisions of Minnesota's Community Corrections Act and how county officials feel about its effects. The act, passed in 1973, was the first such attempt in the United States. Twenty-four counties of all sizes now participate and there is a $14 million biennial appropriation.

The aim of the act is to help counties establish community alternatives to jailing offenders. The basic incentive is the autonomy given to a county in planning its programs. Although the county must work out a comprehensive plan which lists the county's specific needs, desired programs, amount of funding required, and provision for evaluation, county fears that the state will attempt to influence their decisions have not been realized, he said. Rooney added that counties have found the requirement that 5 percent of the grant go for evaluation of value to themselves because of the need for programs to be effective if funds are not to be wasted.

The reason, Rooney stated, is that the local level takes over ownership of its institutions, including parole and probation, and all offenders sentenced to the state prison from its jurisdiction. It must pay the state the cost of caring for all juvenile prisoners and all adults sentenced to five years or less. The more offenders kept in the community, the less the county must "pay back."

The requirement of an advisory board in each jurisdiction, appointed by the county board and including all segments of the community involved with corrections, has been a very positive contribution to communications and relationships, he noted. Some advisory boards have actually taken on the running and policy setting of the community facilities.

Each county has total discretion in its operations. The advisory board may contract for services, the county may establish a new department of community corrections, or the old department of court services and community probation may become the department of corrections.

One drawback which counties have found is the formula by which funds are distributed. It involves per capita income, per capita taxable value, per capita expenditure per 1,000 population, and percent of population between the ages of 6 and 30. Counties must spend at the same level for corrections as they did before.

If the formula cannot be changed, counties would like to see more money in the pot.

If a county does not set up a community corrections program, the state may work one out and offer it to them. If they still refuse to participate, the money reverts to the state. Money can carry over from one year to the next.

"By giving us the authority and most of the money to do the job," Rooney said, "the state has put the ball in our court."

MICHAEL DANE community corrections advisor, Corrections Division, Oregon Department of Human Resources, had much the same positive report on the effects of Oregon's community corrections law which was based on Minnesota's. The push for such legislation came because prison populations were rising and the cost of new facilities was prohibitive. A task force for alternatives to corrections recommended 17 proposals to the state legislature and 13 were passed, among them the law establishing a community corrections system. "If alternatives are to be viable," Dane commented, "they must come from the community."

Oregon's program has been funded at $13.9 million—$8 million for programs and $5.9 million for any construction project except a jail. One difference from Minnesota's program is the cost which the county must pay back for each convicted adult (not juvenile) offender. This is $7,552, the cost at this time for one year of incarceration.

Sister Dolores Brinkel of the Citizens for Justice Coalition in Kansas City spoke from the point of view of a citizen less concerned with the administrative details than with the effects of incarceration on the inmate. She described the efforts of a coalition of concerned community citizens throughout the state which developed the support necessary to pressure the legislature and governor to pass such legislation.

One effective tool in this campaign was a film, which she showed to the workshop, graphically,

illustrating the plight of the jailed offender and describing diversion programs which had proved successful elsewhere.

The campaign began when Sister Dolores learned about Minnesota's Community Corrections Act at the 1977 National Assembly on the Jail Crisis.

Future prospects for the programs were described as positive by all participants. Rooney pointed out that most citizens of Minnesota now live in counties participating in community corrections programs and this in itself provides a constituency for continuation. All agreed that the programs are too new to predict success in terms of recidivism figures. Percentage of success may be counteracted, said Rooney, when total offender populations rise.

THE ELECTED OFFICIAL AND JAIL REFORM: MEETING THE CHALLENGE

Moderator: Kerry Williamson, Police Juror, Rapides Parish, Louisiana; NACo Chairwoman for Criminal Justice Planning

County officials, who control most of the money spent for corrections, have a primary responsibility to take the leadership in jail reform, according to Gary Adams, chairman of the Champaign County (Ill.) Board of Commissioners.

Adams emphasized the need to first educate board members about their responsibility for past failures and present problems. "It should be apparent to most people in elected positions that what we've done in the past in corrections has failed miserably," he said. "If county commissioners do not take positive steps, many will find themselves in court because judges are taking a serious look at corrections and who is responsible."

With that kind of awareness, Adams said, county officials must then take steps to get the entire community involved in reform—sheriffs, corrections staff, judges, colleges, churches, etc. He cited two committees in his community that have been particularly helpful. First, the local criminal justice planning unit has provided the necessary direction for both jail construction and programs, despite a permanently tight budget. Second, an appointed citizens committee has helped to increase visibility for corrections and to stop a large number of complaints to the board.

Donald Moe, chairperson, Criminal Justice Committee, Minnesota House of Representatives,

Rep. Donald Moe

discussed what Minnesota has done to give the county more control for corrections decision making. "Our belief is that we ought to strengthen county government in Minnesota," he said, "and transfer those functions that have been provided by the state but can be provided by the local level—and we're doing that in corrections."

The Minnesota Community Corrections Act of 1973, Moe said, "provides an incentive to the county to develop and implement correctional programs at a local level. Our objective is to reduce the reliance on state institutions as a means of incarceration for convicted felons."

Moe said counties who want state funds under this act must develop a comprehensive plan that meets guidelines set up by the Minnesota Department of Corrections. Once involved in the program, counties must pay for the incarceration of each felon they commit to a state institution. "Obviously there is a financial incentive," Moe said, "not to commit to state institutions because that money can be saved and used at a local level."

Moe said this program has been successful in terms of a decreased commitment rate. Responding to a question about its success in reducing crime or recidivism, Moe said there is no evidence that a reduction has occurred. He said, however, that the program has cut overall costs of incarceration and has increased efficiency.

SPEAKING FROM an elected official's point of view, Diane Ahrens, commissioner, Ramsey County, Minn., said the program has meant increased communication among all participants in the criminal justice system. A Community Corrections Advisory Board, mandatory under the act, allows 20 members of Ramsey County's justice system to meet between one and four times a month. Now

they are "forced to talk to each other," Ahrens said, whereas previously "no one answered to anyone and everyone did their own thing."

She said the board provides more opportunities for checks and balances because every member has a voice about how the state funds are allocated. "When a local elected official finally receives the comprehensive plan and budget recommendations," she said, "that official knows that it is the product of the entire system that was forced to work together and at least there is some assurance that it does encompass the whole system."

She said this total package concept makes each segment accountable to the others and to the public.

Ahrens said she favors putting more felons into county facilities because most of them grew up in the community and will return to it after release.

PLANNING TECHNIQUES FOR CHANGE

Moderator: Robert W. Rack, Executive Director, Hamilton County (Ohio) Regional Planning Unit

"The concept of planning is new. We feel uncomfortable when planners come in to work for us," warned Joseph W. Maxey, vice president of Moyer Associates, Chicago. "However, we must begin to get to know what planning and planners are about." Added moderator Robert Rack, "I am totally convinced of the critical role of planning, but totally unable to define it."

Maxey outlined the steps he believes important to the planning process. First, he said, "Get to know your entire criminal justice system." It is basic to know and be able to document the impact of the courts in the criminal justice system so as not to feel threatened when the courts react. If administrators are uninformed, they can't interpret jail needs to the courts.

Once the system has been honestly examined, he said, a strong case can be developed for those steps necessary to improve it. An ideal system will deal with all the elements.

Next, cost factors must be examined. Maxey pointed out that a jail is the second most expensive local public building, yet conclusions are arrived at with regard to size without looking at costs. Costs will often force administrators to take another look at alternatives to incarceration.

Dennis Falenschek, director, Inspection and Enforcement Unit, Minnesota Department of Corrections, defined change as a "departure from the status quo," and said it is initiated, sometimes by outside pressures, when the objectives of jails are not being met. When faced with the necessity of making changes, he said, "planning is extremely important. It is time-consuming and difficult. Most people on the local level don't want to deal with it."

Falenschek urged that "planning be as thorough and complete as possible." It is important, he noted, to consider cost of operation of the completed facility during the planning process. This entails a study of demographic information on the present and projected jail population, and may force an investigation into alternatives to construction as a solution.

Differences between counties also have to be considered by a planning body, he said. It must be recognized that the same levels of service and kinds of facilities cannot be provided in all counties because of their diversity.

In Minnesota, he said, a move to adopt statewide standards for local jails began as an attempt to keep the courts from interfering in this process. Since Minnesota law—the Administrative Standards Act—requires a good deal of input from local officials via a statewide advisory board before any kind of standards can be imposed from above, county sheriffs and elected officials were able to be in on the planning from the beginning.

JEFFREY M. SILBERT, executive director, Office of the Dade-Miami (Fla.) Criminal Justice Council, spoke about planning on a local level. "There is no such thing as criminal justice planning. It is coordinating or brokering. It is facilitating change," he said.

His office is, in fact, the coordinator of federal funding for criminal justice programs in the Dade County-Miami area. It uses LEAA funds as seed money for new or renovated facilities, and serves as a clearinghouse for funds available from other federal agencies for criminal justice projects. It also brings other local service agencies into contact with the jail.

Silbert said that overcrowding is usually the starting point for community discussion. Then his office is brought in with requests for grants, and the planning starts—site selection, dealing with neighborhood groups, county commission approval, environmental impact statements, considerations of cost, security, bed space, and possible alternatives.

The techniques of planning he uses, Silbert said, "are really to gather information and stay in the background." It is a matter of coordinating interest groups. "We need to use all possible resources to bring about change," he added.

Moderator Robert Rack noted that it is difficult

to achieve planning in criminal justice because to do meaningful planning one must talk about goals. One of the realities of corrections is that final decisions must be ratified by elected officials who still believe public opinion to be conservative and punishment-oriented. Thus, no one is prepared to say what the goals of corrections should be. He said, "The process of stating goals is a very sensitive and difficult thing to achieve. Planning requires setting forth goals and nobody is ready to do it." This leads, he added, to another key problem for planners—how to get the resources directed toward planning prior to political decisions.

He suggested that the answer lies in facts and information. These are often drastically lacking. For example, he said, the judiciary is given no feedback about the options available when sentences are handed down. When research work is initiated early, so that information is available upon request, he concluded, a more positive attitude is created.

DEVELOPING ALTERNATIVES TO INCARCERATION

Moderator: Ann Jacobs, Consultant for Special Projects, Pretrial Services Resource Center, Washington, D.C.

A significant way of reducing overcrowding in jails is to develop alternatives to incarceration during the pretrial period, according to Moderator Ann Jacobs.

Jacobs said that economic, legal, and human considerations should lead the criminal justice system to find ways to keep people out of jail before their trials. Daily costs of incarceration are increasing rapidly. Courts are mandating a reduction in jail population. Many people believe that persons who are legally presumed to be innocent should not be kept in jail unless their release might pose a threat to society.

No "magic formula" can be applied to find the best kind of pretrial program, Jacobs said. What is needed is a continuum of services, from the least restrictive to the most restrictive, so that each situation can be handled appropriately.

She listed the service options as police citation, station house release, release on one's own recognizance, conditional release, third party release, cash deposit, supervised release, and work release. The services listed first, which are the least restrictive, should be used whenever possible, Jacobs said.

Some communities now are eliminating the use of commercial bondsmen, she said. Under the commercial bond system, the judge sets a bond amount that he believes would result in the defendant's reappearance for trial. The defendant contributes 10 percent of the bond, an amount that is not returned to him or her and results in profit to the bondsman.

Jacobs said that studies show no relationship between the amount of bond set and the likelihood that the defendant will appear for trial or that he or she will commit another offense while awaiting trial. Contrary to general belief, usually bondsmen do not help find the person who leaves town before trial.

In addition, she said, the public is paying to keep people in jail simply because they cannot make bond.

She suggested wider adoption of the cash deposit system, which has been successful in many areas. This system eliminates use of the bondsman and requires the defendant to deposit 10 percent of the bond, which is refunded if he or she appears for trial. This system provides a greater incentive to the defendant, she said.

Whatever alternatives to incarceration are developed, the planning must include cooperation by judges, administrators, elected officials, police officers, and other participants in the criminal justice system, Jacobs said.

"Our responses to the jail crisis must not be crisis-oriented," she said. Good planning and documentation on the nature of the people being detained is necessary.

She urged planners to try to combat their own assumptions about what is needed before beginning their planning effort.

TO FIND OUT more about the pretrial programs developing rapidly throughout the country, the American Justice Institute conducted an in-depth study of 25 of the projects that appeared to be the most innovative.

The study consisted of site visits to each of the programs during which institute staff interviewed program directors and other criminal justice people in each community and gathered printed information on each program.

Walter Busher of the institute reported that, despite the enthusiasm of people involved in the programs, most of them were not always appreciated or understood by others in the local criminal justice system.

Planning for most of the projects was done by a relatively narrow segment of the "system," Busher said. Similarly, judges, county commissioners, and administrators were not closely involved in the programs once in operation.

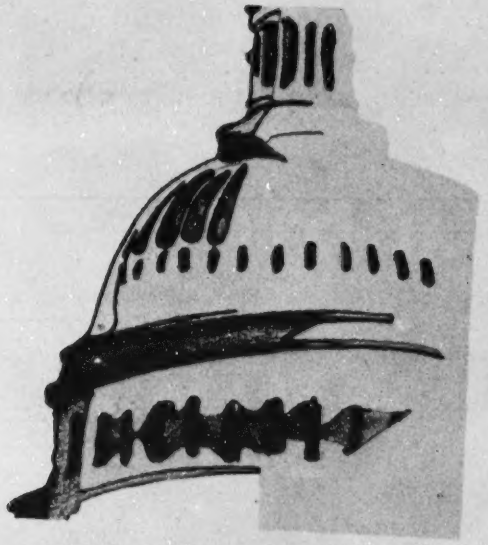
Many of the programs did not have adequate statistics to serve as a basis for evaluation, he said.

On the more positive side, Busher reported, staff of the programs were found to be enthusiastic and willing to experiment and take risks with their programs.

In the Institute's five-volume report on the pretrial programs, entitled *Instead of Jail*, the following recommendations were made:

- Citation release programs should be coordinated countywide, so that local police chiefs have a common basis on which to decide when citations may be made.
- Counties should have a central intake service.
- Counties should develop a data information system so that accurate records are kept on the disposition of each case.
- Counties should develop a capacity for collective planning among key decision makers at the city and county level, including representatives of all branches of government. These planning bodies should meet continually to review programs and develop further cooperative plans. Busher called this effort the most important recommendation of the study.

The Federal Role



Many conferees came to Minneapolis hoping for increased federal assistance for improvements to local jails. Instead, they were told that although the federal role faced some redesign, there was little possibility of more federal financial aid. They were also told that mandatory national standards, which many people had expected to be promulgated, would not be forthcoming, but that the federal government would press for improved state standards with national guidelines.

From the federal point of view, said Norman Carlson, director of the Federal Bureau of Prisons since 1970, local jails, although overcrowded, antiquated and understaffed, are the heart of the criminal justice system. The state and federal law enforcement and court systems depend on the 4,000 county jails to house many of their prisoners. The Federal Bureau of Prisons alone has 900 contracts with county jails to house pretrial detainees.

Nevertheless, he said, the county jail is the weakest link in the criminal justice system. The problem is money and those in charge of the jails would be the first to want to see them improved.

Carlson saw the crisis arising because jails lack the constituency which other public services have and there are no objective standards by which jails can be judged. However, he felt, changes are coming as more groups like the National Coalition for Jail Reform join together to bring the problems before the public. As states become aware of this trend, resources are being allocated by their legislatures, and state criminal justice administrators are instituting changes.

Courts are becoming the most powerful voice for addressing the problems and needs of jails, said Carlson. Ten percent of the nation's jails are under court order of some kind at this time and more court involvement will be seen in the future.

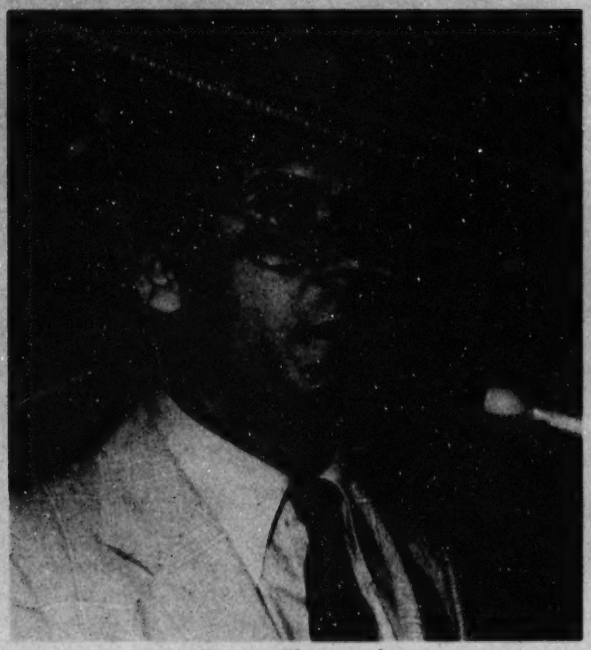
Although Carlson saw a need in the short run for more alternatives to incarceration and a reduction in the total number of inmates in any kind of detention, he emphasized that new construction is still needed to take care of the hardcore prisoners. The old jails cannot guarantee safety and humaneness.

As far as the federal stake in local jails is concerned, Carlson made two points. Although the Federal Bureau of Prisons has recently built three metropolitan corrections centers for housing prisoners prior to trial, with a fourth on the drawing board, Attorney General Griffin Bell has made the decision not to build others but to depend on state and local facilities, he reported.

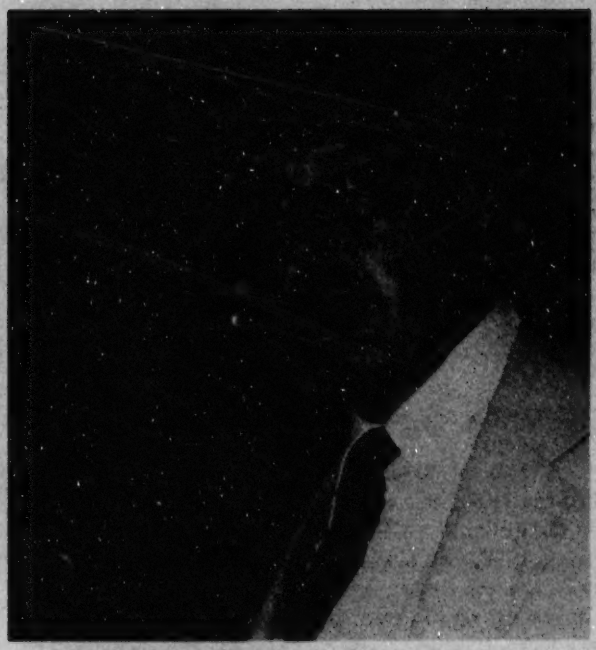
Carlson also emphasized that the National Institute of Corrections, although its work is not widely known, and although its current appropriation is only $9 million, has named jails as the number one priority in the coming years.

ANOTHER LOOK at the federal role in jail reform was presented by Walter Fiederowicz, assistant deputy attorney general, who said that before any solutions to the jail crisis can be found, federal, state, and local attention must be focused on the problem. First, he said, those concerned must reach out to elected officials and taxpayers. Realistic strategies must be developed and law and regulations written which will put them into practice.

At a time when interest in the problem is growing among other groups, the federal government is also examining its role in this area.



Walter Flederowicz



Norman Carlson

However, there will not be, he said, a massive influx of federal money. In fact, fiscal '79 will see only a 10 percent increase in Part E block grants for LEAA, and even these funds may be lost in the appropriations process.

The aim, he said, is to target the funds more accurately. In the upcoming LEAA reauthorization bill, there will be streamlined financial assistance in the shape of formula grants, priority grants, and discretionary grants to states and units of local governments, with the aim of "developing and implementing programs and projects designed to improve correctional services and projects in devising effective alternatives to criminal justice."

In making intrastate distributions, Flederowicz said, added weight will be given to programs involving court administration, correction improvements, and alternatives to incarceration. This should mean additional funds for counties.

In discussing the question of uniform standards for jails, Flederowicz opposed mandatory standards, imposed "gratuitously or lightly" by the federal level on state and local governments which have primary responsibility for implementation. He said he would like to see standards developed at the state level.

However, he said, the federal government cannot stay altogether aloof from the process of developing jail standards. Since the Bureau of Prisons has custody of some 30,000 prisoners, and both the Immigration and Naturalization Service and the Marshals' Service have detention responsibilities, federal standards are necessary as well as useful as a form of self-measurement. Any standards developed by the Department of Justice should take cognizance of standards being worked out by states and other groups.

Not only must there be standards for federal institutions themselves, but when the Department of Justice provides money and technical assistance, there are strings attached. The department is responsible for making sure that recipients of its grants protect the civil rights of inmates, follow guidelines for such things as treatment of civil and criminal offenders, and provide a satisfactory emphasis on programs like supervised release.

Moreover, the Department of Justice must not be open to the charge of working under a double standard, he said. Federal correctional facilities must exemplify those standards which must be practiced by the recipients of its grants and assistance.

FEDERAL FINANCIAL AND TECHNICAL ASSISTANCE

Moderator: Richard Hammel, Chairperson, Genesee County (Michigan) Board of Commissioners; President, Michigan Association of Counties

Financial and technical assistance programs were outlined by four panelists representing the Bureau of Prisons, Law Enforcement Assistance Administration (LEAA), National Institute of

Corrections (NIC) and the National Criminal Justice Reference Service.

Charles Link, community programs officer, Federal Bureau of Prisons in Minnesota, said that financial assistance from his office comes in two forms. The bureau contracts with county jails and correctional facilities throughout the country for the detention of federal prisoners on a short-term basis. This salary and expense fund reimburses state boarding institutions, juvenile detention facilities, community service programs, and other facilities for this service.

"Another means of financial assistance is through the negotiation of contract approval funds, which is done over and above the per diem rate," he said. "These funds may be used to improve specific deficiencies in the facilities which would never find their way as a line item into the budget." Examples of the improvements include prisoner recreation programs, staff training, law libraries, and money to the sheriff's fund for each prisoner.

In the area of technical assistance, Link said the bureau has "many qualified professionals and officers who can respond effectively to technical assistance requests." He said anyone wanting assistance should contact any one of the 50 Community Program Offices set up across the country in a letter specifically stating the type of assistance needed.

The bureau, he said, will continue to:

- Respond promptly to requests for technical assistance.
- Provide jail training, coordinating efforts with NIC and LEAA.
- Offer staff training in training centers in Atlanta, Dallas and Denver.
- Provide study courses on jail operations and management.

CRAIG DOBSON, director of the NIC Jail Center, said his organization provides assistance in two areas: direct services, including training, technical assistance and information services, and a "small pot" of grant dollars for jails and jail problems.

NIC is concentrating its efforts on training jail managers, including sheriffs, jail administrators and, to a certain extent, county officials. NIC conducts seminars on topics such as opening new facilities, legal aspects of jail administration, problems of women in jails and intake and classification programs. NIC also provides limited direct training to jail staffs. He said NIC provides assistance in most areas except jail construction and renovation.

Grants are available, in limited amounts, he stressed, to jails to improve their programs, to states to develop and implement jail standards, to state agencies to develop training and technical assistance services to jails within those states, and to other groups for program and service evaluation.

NIC's future emphasis will include:

- Working with state agencies, through grant dollars and technical assistance, to help improve jails.
- Designating certain jails as "satellite centers" to provide training and technical assistance on their successful programs.
- Conducting management training seminars.
- Setting up a special program for rural jail operations.
- Increasing money for Purchase Fund Services grants.
- Providing specialized training to 14 to 20 jails in meeting state statutes, accreditation standards and state standards.

Nick Pappas, director, Standards Program Management Team, LEAA, said that funds for fiscal '79 probably will not be increased over the 1978 amount of $6.5 to $7 million that was available for construction and renovation to meet standards. He expects next year's programs to be basically the same as this year's.

He said he was not sure if future money will be available for the construction and renovation of jails.

LEAA's technical assistance efforts are provided by the National Clearinghouse which offers planning reviews for jails, reviews of population figures and information on jail programs and services.

Dissemination and transfer of information is the main service offered by the National Criminal Justice Reference Service. Carolyn Johnson, senior reference specialist, NCJRS, said that there are more than 40,000 clients on the information service mailing list who receive periodic information.

The NCJRS reference division responds to individual requests and conducts computer searches for information on various subjects, and provides abstracts of documents, a referral service, bibliographies and packages of materials on specific subjects. NCJRS also offers a document loan program and a catalog listing all documents on file.

She stressed the importance of sharing information with other jail administrators, and urged administrators to send information on local programs, services, and management techniques—whether they have succeeded or failed—to NCJRS.

Appendices

THE MINNESOTA COMMUNITY CORRECTIONS ACT

In 1973 the Minnesota Legislature passed a bill that has placed this state "center stage" in the national arena of correctional reform. That bill was the Community Corrections Act (M.S. 401.01-401.16) and it set in motion an ambitious effort to make the corrections process more rational, comprehensive and efficient.

The Community Corrections Act was not viewed as a panacea for the complex problem of crime and delinquency by the legislators who originally passed the bill or by the subsequent legislatures which have continued to support it. It does represent, however, a bold and creative effort to deal head-on with the fact of crime and the need to respond to it, not emotionally or out of panic, but responsibly and in a manner that is likely to produce results.

In the three years since the act was first implemented several other states have begun serious study of the Minnesota plan with a view toward modeling their corrections systems after it. Teams of legislators, judges and corrections officials have visited Minnesota to see firsthand how the act works. The Council of State Governments this year selected the Community Corrections Act as one of eight innovative state programs across the country to study in depth and report on. It was the only corrections program chosen.

Obviously, changes of the kind envisioned by the Community Corrections Act do not occur overnight. But we are beginning to see improvements in the corrections system which strongly suggest that the act is having its intended impact. Counties under the act have reduced their reliance on incarceration in state institutions. Good correctional alternatives at the local level are being developed and maintained. Assessments of real correctional needs are occurring and for the first time in many places comprehensive planning is taking place to effectively and economically meet those needs. The various segments of the criminal justice system are coming together to work toward solutions to common problems. And all this is occurring with no lessening in the protection of the public safety which remains the overarching concern of any corrections system.

The Development of the Act

The development of the Community Corrections Act began with the formation of a study committee in July of 1972. The task of the committee was to review and assess the correctional system in the state. The committee was composed of legislators and legislative staff, judges, police, representatives of state and county agencies, local elected officials, and staff from the Department of Corrections.

The result of this group's effort was a draft of the Community Corrections Act. After extensive review by a variety of legislative, professional and citizen groups and many revisions, the draft legislation was presented to the appropriate legislative committees in February of 1973. The act passed into law during that session with an appropriation of $1.5 million for the first phase of implementation in three pilot areas.

The 1975 Legislature appropriated over $7 million to maintain the program in the pilot areas and expand it to include an additional 18 counties during the 1975-1977 biennium. The 1977 Legislature provided $13.6 million to maintain the act in all the counties where it has been implemented and to extend it into nine additional counties. It is expected that, by January 1979, 31 of the state's counties will be participating in the Community Corrections Act.

How the Act Works—Major Elements

The Community Corrections Act allows the commissioner of corrections to make subsidy grants to a county (or group of counties) electing to provide a wide range of correctional services, including prevention services, diversion programs, probation and parole services, community corrections centers and facilities to detain, confine and treat offenders of all age groups. The major elements of the act include the following:

- **Purpose of the Act.** The purpose of the act is to promote efficiency and economy in the use of correctional dollars and to develop and maintain community programs and resources while effectively protecting society. Based on the assumption that the local community can provide better service to many offenders, the act calls for the transfer of the major responsibility for providing client service for all but serious offenders to the local units of government.

- **Corrections Advisory Board.** Basic to the act is the requirement that participating counties must establish a corrections advisory board. This board must be representative of law enforcement, prosecution and defense attorneys, the judiciary, education, corrections, racial minorities, social welfare services and lay citizens. If two or more counties come together for purposes of implementing a joint community corrections program membership is shared among the counties at the discretion of the joint county boards. The advisory board is actively involved in the development of a local comprehensive plan and in reviewing the progress being made. In addition, the board is expected to provide the coordination which is needed to make an expanded community corrections system a reality.

- **Comprehensive Plan.** The local comprehensive plan identifies correctional needs and defines the programs and services necessary to meet these needs. This plan is developed by the corrections advisory board and presented to the board of county commissioners for final adoption.

- **Equalization Subsidy.** Once the commissioner of corrections has approved the comprehensive plan, local counties are eligible for a state financial subsidy. The primary factor which determines the amount of subsidy is the population of the county although an equalization formula is also used which is designed to reflect both correctional need and the financial resources available within that county to meet those needs.

• **Local Administrative Structure.** The act provides counties with the authority to determine and establish the administrative structure best suited to the efficient delivery of correctional services. Counties thus have the freedom to determine the particular administrative structure most suited to local conditions.

• **Commitment Costs.** Once under the act counties will be charged for the use of state institutions for all adults whose commitment offense carries a statutory maximum of five years or less and for all juveniles. In both instances charges will be made only for offenders committed to the state after a county has joined the act.

• **Information Systems, Evaluation, and Training.** An amount equivalent to 5 percent of the subsidy received must be spent on the development of an adequate information system and on evaluation. An additional 5 percent is required to provide training to all relevant personnel. The purpose of these requirements is to assure that the progress of the local corrections system will be monitored and appropriately modified and that necessary education and staff development will occur.

How Counties Come Under the Act

Counties implement the act in one of two ways—either as single county jurisdictions or as a group. This is determined in part by two requirements in the act itself which require a minimum population of 30,000 and limit participation of multicounty units to those which are contiguous and located within regional development act boundaries. Counties will normally determine which way to go, subject to these two requirements, by assessing the amount of subsidy which they are eligible for and assessing neighboring county subsidies and resources which may serve to maximize all or a major portion of the region's correctional resources while participating in the Community Corrections Act.

Counties actively participate in the act after the following four steps have been completed:

• **Funding is Provided by the Legislature.** Prior to the start of each biennial funding session of the Legislature the State Department of Corrections contacts the county board of commissioners in each of the counties not yet implementing the act to determine their interest in participating in the act during the next biennium. Allowing some time to answer any questions by state staff assigned to that area and, provided that the county (or group of counties) commits itself to more than casual interest by responding that they wish to be included on the nonbinding list, the department will request the necessary funds for them.

• **Detailed Review of the Community Corrections Act by County Officials.** Once funds have been provided by the state legislature, the county board usually establishes a study committee which, with the help of state staff, reviews the implications of the act in more detail and makes a recommendation to the county board concerning active participation. Given that this recommendation is positive, the county board establishes a corrections advisory board to develop a comprehensive plan. Two or more counties may join together to implement the act but only one advisory board is appointed and this board is of the same size and membership distribution as that of a single county.

• **Development of Plan.** Once a corrections advisory board is established, state staff meet with this board to review the act and all appropriate guidelines for the development of the comprehensive plan. Staff attend corrections advisory board meetings and provide the board and its committees with assistance in completing the tasks outlined in a set of written guidelines provided by the Department of Corrections to help the counties through the various steps necessary to develop a comprehensive plan.

• **Approval of Plan.** After the corrections advisory board has completed the comprehensive plan, it is submitted to the county board (or joint powers board on multicounty units) for final approval. The plan is then sent to the commissioner of corrections 30 days before the expected starting date.

Once approval is determined, a letter is sent to the county indicating any major problems with the plan, any conditions set by the commissioner and when the county can expect its first advance quarterly payment.

• **Changes in the Plan.** Plans are developed and submitted annually, financial reports are submitted quarterly and narrative progress reports are submitted twice each year. During the year any major additions, deletions, substantive changes or budget reallocations in excess of $5,000 must be addressed by the amending process which requires the intended change to be submitted to the county board and the commissioner of corrections for approval.

How We Know It's Working—The Impact Study

Concurrent with implementation of the act, the Department of Corrections initiated an ongoing research project designed to assess selected effects of the act. As a part of this project, a "systems rate study" was developed to assess the relative extent to which the act affects counties in terms of diverting less serious adult offenders (those with statutory sentences of five years or less) and juvenile offenders from state institutions and into local community-based programs.

The research design used to determine the impact of the act on sentencing dispositions has two central components: a before-after method within counties, and a before-after method between subsidy and nonsubsidy counties.

The results thus far indicate that in counties under the Community Corrections Act the use of local alternatives for adults and juveniles increases and the reliance on state institutions decreases significantly. In brief, the act seems to be having its intended effect.

The study has concentrated so far on measuring the impact of the act primarily in terms of its effect on sentencing patterns. While we continue to monitor this very significant indicator, plans are underway to expand the study to include other phenomena such as the manner in which local jail usage is affected by the act.

The findings of the impact study are obviously more extensive and detailed than can be summarized here. More details can be made available upon request.

All indications so far indicate that the Community Corrections Act is generally working as its authors intended. This should not suggest, however, the no problems have emerged. The complex changes and altered relationships implicit in the act have required a great deal of time, energy and good will on the part of both county and state personnel.

For Further Information

More details or responses to specific questions can be obtained from the Community Services Division, Minnesota Department of Corrections, 430 Metro Square Building, St. Paul, Minnesota 55101.

Also available is a report by the Council of State Governments: *A State Supported Local Corrections System: The Minnesota Experiment*. Order from the Innovations Transfer Project, Council of State Governments, Box 11910, Iron Works Pike, Lexington, Ky. 40511. (Complimentary report for state officials. Nonstate officials will be billed $5.00 plus 75 cents handling charge.)

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